4917. By Mrs. KAHN: Petition signed by Mrs. W. S. Leake and other citizens of San Francisco, urging favorable action on House bills 47 and 6518; to the Committee on the Civil Service.

4918. By Mr. KETCHAM: Petition of D. Lam and 18 other residents of South Haven, Mich., urging favorable action upon House bill 78; to the Committee on the District of Columbia.

4919. Also, petition of 14 residents of Allegan County, Mich., protesting against House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

4920. Also, petition of Mrs. Lyle Watson and 15 other residents of Dowagiac, Mich., protesting against the passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

4921. Also, petition of E. M. Phillips and 150 other residents of Benton Harbor, Mich., protesting against the enactment of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

4922. Also, petition of J. F. Babcock and 84 other residents of Mendon, Mich., protesting against the enactment of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

4923. By Mr. LANKFORD: Petition of Mrs. D. Watson Winn and others, against Bolshevik propaganda; to the Committee on the Judiciary.

4924. By Mr. LEA: Petition of Mrs. Ray Lockmon and 375 other residents of Sonoma County, Calif.; C. E. Rogers and 54 other residents of Sutter County, Calif.; and Mrs. C. F. Hawkins and 37 other residents of Orland, Calif., protesting against House bill 78, or other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4925. By Mr. LINDSAY: Petition of American Association of Masters, Mates, and Pilots, Long Island Harbor, Branch No. 22, registering, in a set of resolutions, a vigorous protest against the passage of House bill 11137; to the Committee on the Merchant Marine and Fisheries.

4926. Also, petition of Radio Retailing Publishing Co., appealing to Congress to enact legislation before March 15 prolonging the life of the Radio Commission, unhampered by unnecessary restrictions; to the Committee on the Merchant Marine and Fisheries.

4927. Also, petition of Brooklyn Chapter, Officers Reserve Association of the United States, approving Thomas amendment restoring deductions from appropriations for corps, as recommended by the House, and approving action of American Legion in connection with appropriation for Navy; to the Committee on Appropriations.

4928. By Mr. LINDSAY: Petition of Travelers' Legislative Committee, National Council of Traveling Salesmen's Associations, praying for a repeal of the war-time Pullman surcharge on the grounds that it is not necessary for carriers' roads not entitled to the surcharge and that they do not need the surcharge; to the Committee on Ways and Means.

4929. By Mr. MEAD: Petition of Property Owners Protective Association, of Kenmore, N. Y., regarding the national origin provision of the immigration law; to the Committee on Immigration and Naturalization.

4930. By Mr. MOONEY: Petition of sundry citizens of Cleveland, Ohio, protesting Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4931. By Mr. MORROW: Petition of Albuquerque Game Protective Association, R. G. Sutherland, secretary (New Mexico), indorsing public shooting ground and game refuge bill; to the Committee on Agriculture.

4932. By Mr. O'CONNELL: Petition of Brooklyn Chapter, Reserve Officers Association of the United States, favoring the Thomas amendment to the Senate bill restoring the deductions from the appropriation as recommended by the House of Representatives; to the Committeee on Naval Affairs.

4933. Also, petition of William Best, Kansas City, Mo., an appeal in behalf of those Federal employees who were retired in 1920; to the Committee on the Civil Service.

4934. Also, petition of the National Council, Traveling Salesmen's Association of New York, favoring the passage of Senate bill 668, for the repeal of the war-time Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

4935. By Mr. OLDFIELD: Petition of C. F. Greer et al., Maynard, Ark., favoring legislation establishing a moritorium for the payment of drainage bonds; to the Committee on Agriculture.

4936. By Mr. PALMER: Memorial of Rev. W. L. Gallenkamp, pastor Zion Lutheran Church, Frackville, Pa., protesting against legislation which would interfere with stamped envelopes with return cards; to the Committee on the Post Office and Post Roads.

4937. By Mr. SELVIG: Petition of L. Langhus and 45 farmers of Shelly, Minn., and vicinity, protesting against any measure leading to militarism and war; to the Committee on Foreign Affairs.

4938. By Mr. SHALLENBERGER: Petition of citizens of Nebraska against House bill 78; to the Committee on the District of Columbia.

4939. By Mr. SINNOTT: Petition of 49 citizens of La Grande, Oreg., and vicinity, protesting against the enactment of House bill 78, the Lankford bill, or similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4940. Also, petition of numerous citizens of Hermiston, Umatilla County, Oreg., protesting against House bill 78, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4941. By Mr. STALKER: Petition of George R. Downing, of Watkins Glen, N. Y., and other Civil War veterans of that vicinity, urging the enactment of legislation for additional pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

4942. Also, petition of Mrs. Leon Howard, of Owego, N. Y., and sundry citizens of that vicinity, protesting against House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4943. By Mr. STEELE: Petition of 42 citizens of Atlanta, Fulton County, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance (H. R. 78); to the Committee on the District of Columbia.

4944. Also, petition of 36 citizens of De Kalb and Fulton Counties, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance (H. R. 78); to the Committee on the District of Columbia.

4945. Also, petition of three citizens of Atlanta, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance (H. R. 78); to the Committee on the District of Columbia.

4946. By Mr. SWING: Petition of residents of Ramona, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4947. Also, petition of citizens of Orange County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4948. Also, petition of residents of Escondido, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4949. By Mr. TAYLOR of Colorado: Petition from citizens of Olathe, Colo., protesting against House bill 78, or any other legislation for the compulsory Sunday observance; to the Committee on the District of Columbia.

4950. By Mr. WELSH of Pennsylvania: Petition of residents of sixth Pennsylvania district, in support of House bill 6518, providing for minimum rate of pay for Government employees, and House bill 492, providing for the abolition of the Personnel Classification Board and transfer of its functions to Civil Service Commission and extension of classification to field service; to the Committee on the Civil Service.

4951. By Mr. WELCH of California: Petition submitted by the United States Employees' Association of California, San Francisco, Calif., favoring the passage of the Welch bill (H. R. 6518) to increase the salaries of Federal employees; to the Committee on the Civil Service.

4952. Also, petition submitted by the Federal Custodian Service Association, San Francisco, Calif., favoring the passage of the Welch bill (H. R. 6518) to increase the salaries of Federal employees; to the Committee on the Civil Service.

SENATE

TUESDAY, *March 6, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Lord most high, who art our life, our strength, and our joy, our ever-present helper and defender, look with loving mercy upon our country, for if Thou be with us none can be against us. Guide us this day unto a better knowledge of Thy will, and send down upon us, for our present need, the dew of Thy heavenly grace. May Thy servants, who have been called to administer the affairs of this Nation, daily make choice of spiritual integrity amid the corruption that is in the world through the lust of power or repute, that being unafraid in contending for the right, and reverent at the threshold of achievement, they may show forth the spirit of Him who gave Himself for the world, Jesus Christ, Thy Son, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of yesterday, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 1455. An act to grant extensions of time under coal permits;

S. 1705. An act authorizing the Court of Claims to render judgment in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, instead of the heirs of Peter P. Pitchlynn, and for other purposes;

S. 1946. An act relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended;

S. 2342. An act providing for a per capita payment of $25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States;

S. 2483. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa," approved May 26, 1924;

S. 2545. An act to authorize the sale of certain lands near Garden City, Kans.;

S. 2698. An act granting the consent of Congress to the State of Vermont to construct, maintain, and operate a free highway bridge across an arm of Lake Memphremagog at or near Newport, Vt.;

S. 2801. An act granting the consent of Congress to the New Martinsville & Ohio River Bridge Co. (Inc.), to construct, maintain, and operate a bridge across the Ohio River, at or near New Martinsville, W. Va.; and

S. J. Res. 66. Joint resolution authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924.

The message also announced that the House had agreed to the amendments of the Senate to the bill of the House (H. R. 9202) to authorize construction at the United States Military Academy, West Point, N. Y.

The message further announced that the House had agreed to the amendments of the Senate to the House amendment to the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes, with an additional amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 771. An act providing for the gift of the U. S. S. *Dispatch* to the State of Florida;

S. 1498. An act to extend the time for the construction of a bridge across the Chesapeake Bay and to fix the location of said bridge; and

S. 2902. An act granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 21. An act to provide for date of precedence of certain officers of the Staff Corps of the Navy;

H. R. 437. An act authorizing the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.;

H. R. 465. An act to authorize the city of Oklahoma City, Okla., to sell certain public squares situated therein;

H. R. 472. An act authorizing Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.;

H. R. 5806. An act to authorize the purchase of real estate by the War Department;

H. R. 5817. An act to provide for the paving of the Government road extending from St. Elmo, Tenn., to Rossville, Ga.;

H. R. 6993. An act authorizing the Secretary of the Interior to sell and patent certain lands in Louisiana and Mississippi;

H. R. 7198. An act authorizing Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 7927. An act granting the consent of Congress to the Louisiana Highway Commission of the State of Louisiana to construct, maintain, and operate a free highway bridge across the Atchafalaya River at or near Melville, La.;

H. R. 7932. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7944. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7946. An act to repeal an act entitled "An act to extend the provisions of the homestead laws to certain lands in the Yellowstone forest reserve," approved March 15, 1906;

H. R. 8326. An act to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla.;

H. R. 8337. An act to amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926;

H. R. 8542. An act to provide for the construction of a hospital at the Fort Bidwell Indian School, California;

H. R. 8543. An act to provide for the construction of a school building at the Fort Bidwell Indian School, California;

H. R. 8724. An act granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8733. An act granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8734. An act granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8897. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth street in the city of Chicago, county of Cook, State of Illinois," approved March 21, 1924;

H. R. 9350. An act granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River;

H. R. 9361. An act granting the consent of Congress to the city of St. Charles, State of Illinois, to widen, maintain, and operate a bridge across the Fox River within the city of St. Charles, State of Illinois;

H. R. 9365. An act to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark.;

H. R. 9663. An act authorizing Hermann Simmons, jr., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Tampa Bay from Pinellas Point, Pinellas County, to Piney Point, Manatee County, Fla.;

H. R. 9761. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh, Pa.;

H. R. 9773. An act granting the consent of Congress to the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River, at or near the mouth of the Big Blue River, in Jackson County, Mo.;

H. R. 9829. An act to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands";

H. R. 9831. An act authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.;

H. R. 9946. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Mount Carmel, Ill.;

H. R. 9958. An act to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects;

H. R. 9964. An act authorizing E. L. Higdon, of Baldwin County, Ala., his heirs, legal representatives and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala.;

H. R. 10025. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Cliff Street, McKeesport, Pa.;

H. R. 10143. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and

operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton highway;

H. R. 10144. An act authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex.;

H. R. 10373. An act authorizing the Plattsmouth Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Plattsmouth, Nebr.;

H. R. 10424. An act authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 10566. An act granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and operate a free highway bridge across the Illinois River at or near Peoria, Ill.;

H. R. 10658. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 10707. An act authorizing the Point Marion Community Club, of Point Marion, Pa., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 10756. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio;

H. R. 10806. An act authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans.;

H. R. 11134. An act to authorize appropriations for construction at military posts, and for other purposes; and

H. J. Res. 175. Joint resolution to change the name of the Ancon Hospital in the Panama Canal Zone to the Gorgas Hospital.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 81. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii;

H. R. 248. An act to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army; and

H. R. 8741. An act authorizing the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Shipstead
Barkley	Fess	McKellar	Shortridge
Bayard	Fletcher	McMaster	Simmons
Black	Frazier	McNary	Smith
Blaine	George	Mayfield	Smoot
Blease	Gerry	Metcalf	Steck
Borah	Glass	Neely	Steiwer
Bratton	Gooding	Norbeck	Stephens
Brookhart	Gould	Norris	Swanson
Broussard	Greene	Nye	Thomas
Bruce	Hale	Oddie	Tydings
Capper	Harris	Overman	Tyson
Caraway	Harrison	Phipps	Wagner
Copeland	Hawes	Pine	Walsh, Mass.
Couzens	Hayden	Pittman	Walsh, Mont.
Curtis	Heflin	Ransdell	Warren
Cutting	Howell	Reed, Pa.	Waterman
Dale	Johnson	Robinson, Ark.	Watson
Deneen	Jones	Robinson, Ind.	Willis
Dill	Kendrick	Sackett	
Edge	Keyes	Schall	
Edwards	King	Sheppard	

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

MENOMINEE RIVER BRIDGE

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2902) granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis., which were, on page 1, line 3, to strike out "the consent of Congress is hereby granted to" and insert in lieu thereof "in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes"; on page 1, line 4, after the word "Michigan," to insert "be and are hereby authorized"; and to amend the title so as to read: "An act authorizing the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis."

Mr. BLAINE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

AGRICULTURAL RELIEF

Mr. JONES. Mr. President, I ask that there be printed in the RECORD a letter from a constituent of mine with reference to farm cooperatives, together with a brief statement from the Washington Farmer relative thereto, and a short speech made by former Senator Calder, of New York, on the same subject.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

BREMERTON, WASH., *February 28, 1928.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

DEAR SENATOR JONES: Inclosed article from Washington Farmer explains itself. In Seattle yesterday, I discussed it with Mr. Brislawn, secretary State Bankers' Association; Mr. Soots, manager State Chamber of Commerce, and others. By the time this reaches you, the American Bankers' Association will probably have publicly repudiated the whole movement—certainly our State bankers will do so. The State chamber will take the farmer side of the fight. They expect to amend the name to "State Chamber of Agriculture and Commerce," and are asking each county to provide an agricultural council to furnish a point of contact with State body. The county commissioners have appointed me chairman for Kitsap County. In that capacity, I request the publication as a Senate document, the speech of Senator Calder on the Capper-Volstead bill, in CONGRESSIONAL RECORD, of February 7, 1922, page 2521. It is the best vindication of the farmers I have ever seen or heard. If this idiotic attempt to destroy the cooperative should be carried on, it will produce political and financial chaos, shaking the faith of thousands who have heretofore stood loyal to American institutions. You and I know that the majority of the bankers and business men will be against this criminal attempt to rob the farmers of their last means of protection; but public sentiment did not save Chicago when Mrs. O'Leary's cow kicked over the lantern. The speech covers only one page of the RECORD. Its publication as a Senate document at this time will be the best insurance of peace. The Senate can render no more valuable service at this time than to reaffirm their approval of the Capper-Volstead Act by granting this request. * * *

Sincerely yours,

H. B. CREEL, *Star Route, Box 103.*

[From the Washington Farmer, February 23, 1928]

ORGANIZE TO ROOT OUT FARM COOPERATIVES—SEMISECRET CONVENTION IN CHICAGO LAUNCHES "FEDERATED AGRICULTURAL TRADES OF AMERICA" FOR ITS ONSLAUGHT AGAINST FARMER MARKETING ASSOCIATIONS

Farm cooperative organizations are waking up to the destructive purpose of a semisecret convention held in Chicago November 30 last, named the "Agricultural Trades Conference."

"A gigantic federation" to fight farmers' cooperative movements and oppose legislation favoring producers has been launched by members of the agricultural trades, according to the Dairymen's League News, organ of the Dairymen's League Cooperative Association (Inc.), of New York.

A comprehensive report of the "trades conference" in Chicago was made and is now being circulated by Charles W. Holman, secretary of the National Cooperative Milk Producers' Federation.

TO FIGHT COOPERATIVES

Charles F. Droste, president of the New York Mercantile Exchange, one of the speakers at the Agricultural Trades Conference in Chicago, declared that the present middleman system can not be replaced by a subsidized system of cooperation and announced that the big job of the "agricultural trades of America" would be "to save the farmer from himself." He then pledged the support of the executive committee of the New York Mercantile Exchange in the avowed purpose of forming a huge organization to fight the growing cooperative movement.

Charles Patterson, of Chicago, thought that the cooperative movement was growing among the farmers "because you men do not have the 'guts' to fight it."

Mr. Peck, of Omaha, president of the Terminal Grain Marketing Association, representing all of the big terminal elevators from Buffalo west, said that grain men thought the present marketing system to-day is as nearly perfect as it could be, despite bothersome legislation from Washington.

PROTECT "RIGHTS OF BUSINESS"

Everett C. Brown, president of the Chicago Live Stock Exchange, said that there was a strong sentiment in the District of Columbia for doing away with livestock exchanges, boards of trade, and associations of commerce. He wondered if business men would ever wake up. "They can help keep the radicals from picking the pockets of the Government," said he. "I want this organization to be prepared to protect the rights of business and to fight."

A speaker from New York State said that an idea is prevalent that cooperative marketing is a benefit. "Is it not important," he said, "that we inject an idea into the public mind that that is fallacious? Let us start a counterpropaganda. Unless this is done, Government agencies will go right on increasing their hold and power."

Charles Quinn, of Toledo, Ohio, secretary of the Grain Dealers' National Association, stated that the members of his organization were pioneers in fighting the cooperative movement. He was pleased to see so many middlemen industries now aroused to their danger. He traced the growth of Government assistance to cooperation as beginning in 1914, when there was an appropriation of $25,000 for an office of markets in the Department of Agriculture. This office, he said has to-day become a great bureau with an annual appropriation of over $5,000,000. He objected to the constant "wet nursing" of the cooperative system. He did not think it would ever succeed.

Mr. Kloch, of the Seattle Dairy and Produce Exchange, explained that his organization had important dairy cooperatives as members, and he could take no official stand.

Among the resolutions adopted were these:

"The agricultural trades of America represent several billion dollars of invested capital, and represent the activities of more than a million American citizens and are intimately connected with the best interests and future success of the American farmer, due to social, business, advisory, and financial relations; also by reason of the investments we have made and our personal activities and ambitions.

AGAINST MARKETING ACT

"We are opposed to the cooperative marketing act, known as the Capper-Volstead Act, passed in 1922. We believe this law, authorizing the producer associations to deal in nonmember production, and therefore to become traders and, withal, to have immunity under our trust laws, shows class favoritism and therefore is unconstitutional.

"We are opposed to the work being done by our Department of Agriculture through the Bureau of Cooperative Marketing, the Bureau of Agricultural Economics, the many county agents throughout the United States, and other Federal and State agencies, so far as it seeks to destroy existing marketing agencies and established enterprises in the agricultural trades, and to substitute therefor farmer associations."

WHY CONVENTION CALLED

The call for the Chicago convention was sent out by W. F. Jensen, chairman of a special committee of the American Association of Creamery Butter Manufacturers, and contains the following paragraphs:

"It is unfortunate that any part of business should become mixed up in politics, but that is the situation confronting us now. We can not underestimate the formidable forces back of the cooperative marketing of agricultural products, which forces have become a menace to invested capital and the established way of handling farm products.

"This situation calls for careful but thorough political handling and a nation-wide educational campaign for acquainting the public with the facts. The present situation is costing industry millions annually, whereas a million properly expended now will reform a much misunderstood condition."

Among the organizations which the chairman announced were officially represented at the meeting were delegates from the fruit, vegetable, dairy, and produce exchanges of New York City, Chicago, Boston, Philadelphia, Baltimore, St. Louis, Los Angeles, Seattle, Long Beach (Calif.), and representatives of the following organizations:

The Grain Dealers' National Association.
The Millers' National Federation.
The Terminal Elevator Grain Merchants' Association.
The livestock exchanges of Chicago, Omaha, St. Louis, Kansas City, and Sioux City.
The United States Sugar Manufacturers' Association.
The American Bankers' Association.
The Illinois Manufacturers' Association.
The Soft Wheat Millers' Association.
The association representing cold-storage companies.
The American Association of Warehouses.
The National Wholesale Grocers' Association.
The National Organization of Canners.
The National Implement Dealers' Association.
The National Fur Buyers' Association.
The American Association of Creamery Butter Manufacturers.
The National Egg and Poultry Association.

COOPERATIVE GROWTH ALARMS

On opening the meeting, W. F. Jensen stated that it was the first attempt of the middlemen to get together in a big way to protect their interests against the cooperative movement, and that it was a business proposition to see to it that no special favors were granted the cooperatives by the Government. Mr. Jensen emphasized the fact that whereas in the past the issue between cooperatives and middlemen had been confined to localities, the fight between them must now be waged on a national scale, since many cooperatives have grown to a large size and the movement has spread over the country.

After a lively discussion, points from which are given above, it was resolved "that a permanent nonprofit-making organization be formed, to be known as the Federated Agricultural Traders of America, and that the chair be authorized to appoint, at its discretion, a committee of 15 within two weeks' time to apply for the necessary charter, prepare a constitution and by-laws, set up a schedule of dues, solicit members, and do such other things as may be necessary to perfect a permanent organization."

COMMITTEE APPOINTED

A few days later W. F. Jensen announced the following list of persons as the committee to organize and incorporate the Federated Agricultural Traders of America: Everett C. Brown, Chicago Live Stock Exchange; Fred G. Horner, grain; Charles Droste, New York Mercantile Exchange; Lester Perrin, Chicago Board of Trade; H. T. Rector, butter; L. Edward Davis, Chicago Mercantile Exchange; L. B. Kilbourne, Chicago Egg and Poultry; Herbert S. Johnson, Armour & Co.; F. H. Kullman, milk; Paul Fishback, food brokers; Ralph C. Stokell, warehousemen and elevators; Robert Wood, cotton; Alton E. Briggs, Boston Fruit and Produce Exchange; W. E. Suits, feed manufacturers; W. H. Stroud, millers; S. M. Ross, ice cream; A. L. Ward, cotton products.

SPEECH OF FORMER SENATOR CALDER

Mr. President, in the pending bill there is no suggestion that the farmers of this country be given any special privileges. On the contrary, Congress is merely asked to clarify the position of cooperative farm organizations which may operate business institutions or business plants in relation to the Sherman antitrust law. I do not understand the Capper-Volstead bill to allow agriculture any exemptions. It merely states just what cooperative farm organizations may do.

The uncertainty of the legal status of farm organizations which conduct business in a collective way has had a paralyzing effect on the efforts of men and associations who are brought together so that they may more economically and efficiently administer their affairs. In some sections of the country, I am informed, officers and members of such organizations have been arrested, indicted, and even thrown into prison. United States attorneys and other officials have so construed the Sherman antitrust law as to make it cover the operations of nonstock, nonprofit farm associations.

These associations have provided a means through which the farmers may come into more direct contact with their urban customers. They have aimed to eliminate many of the costly intermediary agencies of distribution by themselves doing the work of such agencies. These efforts through organization to more economically distribute their products have in many cases aroused the suspicion of officers who are always on the lookout for offenders against the antitrust laws of the Nation.

Such vigilance, while commendable, has had an embarrassing effect on perfectly honest men who have never been able to get their legal bearings when making agreements with their fellow citizens engaged in the same occupation regarding the sale of their products. Able lawyers have contended that the provisions of the antitrust law should never be invoked against farm organizations which deal only in the things which their members produce. But there is no general agreement on this subject among men associated with the Department of Justice, hence it is very necessary to enact some measure which will clearly show just what farm organizations can do and continue to live within the law.

Personally I am convinced that the authors of the Sherman antitrust law and the Clayton Act never contemplated the application of the provisions of these measures to men engaged in the collective sale and distribution of products which they themselves bring to maturity. Such application seems to me to be altogether too strained an interpretation of what was in the mind of Congress when these bills were assented to.

The Sherman and Clayton Acts forbid combinations in restraint of trade, but they rather encourage associations designed to foster trade. Farmers are asking for this cooperative law so that they may be able to do a larger and safer business founded upon scientific trade principles. They are not asking to be released from liability for acts of commercial or industrial oppression. They are only asking that by affirmative action Congress recognize the principle of collective bargaining.

Farmers have the natural and inherent right to approach their customers through agencies of their own creation. This right should be clearly and positively recognized by Congress. If the Sherman and Clayton Acts had been generally interpreted as their authors intended they should be, there would be no necessity for the enactment of the bill which we are now considering. The right of the farmers to collectively market their products would generally have been conceded.

If I could find in this bill any privilege to agriculture which is withheld from any other element in our citizenship, I would not be among

its supporters. It has been said by statesmen and publicists that the bill constitutes class legislation, that it confers favors at the expense of the urban population, and that it permits agriculture to do those things which are forbidden to other interests. I confess I am unable to so interpret the bill. To my mind it merely removes from the shoulders of the farmers burdens and restrictions which are not imposed upon ordinary commerce and industry.

The farmer is a business man. It is most commendable and only natural that he would desire to use modern methods in the conduct of his enterprise. It is not fair that he should be denied the use of these methods. Cooperation is not "combination." While there is a pretty general demand that big business be forced to yield to necessary regulation, no modern thinker will seriously propose that the business which serves all the people shall be crippled or its ability to function impaired. It is only through cooperation that the highest service to the public can be assured. This fact is recognized by agriculture just as it is recognized by industry, finance, and commerce.

Agriculture is the biggest of all business. Industrially it is a Titan. It is bigger than all the railways, the steel mills, and the coal mines in the United States combined. In the year 1919 the total value of farm products reached the staggering sum of $25,000,000,000, enough to pay America's share of the cost of the war. But this vast business was done largely by men who were unorganized, who were compelled to take whatever they could get for their products, who had no voice in naming the reward they should receive for the service they had performed. If they met and suggested that they should at least obtain cost of production, they were in peril of arrest, indictment, and imprisonment.

Other business concerns were able to get the ear of the public because they were intensely and intelligently organized. They were able to control to some extent at least the markets in which they sold their wares. But agriculture, though spread over the whole country, stretching from the extreme north to the extreme south and from the extreme east to the extreme west, was helpless. It must take what was given it, and we all know that in the past two years it has been impossible for the farmers to collect a sum which even approximates the cost of production.

Why, then, should they not be legally permitted to organize for business purposes? To establish a producers' trust appears to be entirely impossible. There is no danger that the farmers will ever be able or even attempt to corner the food supplies of the Nation. But they ought to be permitted through organization to have some say about how their products shall be distributed, in what markets they will be sold, and how much they will receive for them.

So far agriculture has been a wounded and almost helpless giant, depending entirely for the sale of its products upon agencies which it had no hand in creating. The time has come, however, when it appears to be the full purpose of the farmers to take some hand in directing the selling end of their business. They know that this can not be brought about through individual action. They know that if they are to give any real or effective attention to the sales department it must be through intelligent organization.

Collectively the farmers of the United States, according to the latest census report, own about $80,000,000,000 worth of property. This property has failed to pay anything like substantial dividends; at all events, during the past two years. Scores of thousands of good citizens have left rural America to take their places beside their brethren in the congested centers of population. They have found farm life unattractive and unprofitable. They have become tired of producing at a loss and have finally exchanged broad acres and country air for a hard present and a doubtful future in the cities.

If by cooperative effort these conditions can be ameliorated and farm life made more attractive, Congress ought to enact the necessary permissive legislation. In a country like ours there ought always to be a thriving, wholesome, progressive, and contented agriculture. It is not a wholesome sign of national progress to witness the constantly moving and ever-enlarging procession of ruralists toward the centers of urban life. Every effort should be made to arrest the progress of this procession.

It is obvious that a contented and prosperous agriculture means a more wholesome and more prosperous urban population. An abandoned farm is an eyesore. It is evidence of local decay, threatening the national fiber, and if permitted to continue imperiling the national health. Let us keep our boys on the farm.

But it is useless to urge this if agriculture is to continue to be conducted at a loss. I am for this bill because I believe it will give the farmers an opportunity to so organize and so adjust their business as to make the business of farming more profitable. We who live in the cities should be the last to discourage enlightened and cooperative effort among those who provide us with our food, our clothing, and largely our shelter.

Mr. President, I speak with some interest on this subject, because I live in the greatest city of the Nation, and I am confident that the people whom I represent in that city are perfectly willing that the farmers shall organize in such a way as to bring to them not only fair prices for the things they produce, but in the end will tend largely to decrease the prices of the things the people in the cities have to buy which the farmers produce.

THE FRENCH DEBT

Mr. WATSON. Mr. President, I want to ask the Senator from Utah [Mr. SMOOT], he being an honored and useful member of the United States Debt Commission, what steps, if any, are being taken to settle the debt which France owes the United States?

Mr. SMOOT. Mr. President, I understand that there is objection to my making remarks on the subject at this time, so I shall wait for another occasion.

Mr. WATSON. Do I understand that some Senator objected to the Senator from Utah answering a question?

Mr. SMOOT. The Senator from Nebraska [Mr. NORRIS] objects, and so I shall speak at some other time.

Mr. NORRIS. Mr. President, I wish to state my objection now for the benefit of the Senate. I do not know why the Senator from Utah [Mr. SMOOT] should take exception to the little remark that I made, which probably nobody else but him heard. I said, "I object to the question on the ground that it is incompetent and immaterial and not the best evidence." If the Chair wishes to overrule the objection, of course I shall not take an appeal.

Mr. WATSON. I think we ourselves can overrule that objection, because if the Senator from Utah [Mr. SMOOT] is not competent to discuss that question, who is?

Mr. NORRIS. I have not said the Senator from Utah was not competent; there is no question about the competency of the witness that the Senator from Indiana has on the stand; but he is lawyer enough to know that one does not have to object to the competency of a witness when he makes an objection to the testimony that is attempted to be obtained from the witness by the question. I am objecting to the question.

Mr. WATSON. Do I understand that the Senator's objection lies to the fact that no effort ever will be made to collect the debt from France?

Mr. NORRIS. Not necessarily, Mr. President. I think my objection is perfectly plain on its face. Whether it is good or whether it is not good is an entirely different question; but I do not understand why the Senator from Indiana [Mr. WATSON], while the Senate is engaged in its peaceful pursuits here, trying to save the country, should bring up a question which under present conditions, I think, is incompetent, immaterial, and is not the best evidence.

Mr. WATSON. Of course, I do not know what the Senator from Nebraska means by "best evidence." I am going on the theory that if the Senator from Utah [Mr. SMOOT] can not furnish the "best evidence," nobody can, because he is a member of the Debt Commission and has been a member from the beginning; he has attended all of its deliberations, he is familiar with all the facts and acts, and if he can not furnish testimony, I again ask who can?

Nor do I think it is entirely irrelevant to ask as to whether or not we are going to do anything to press the collection of that debt. We literally pressed other nations into a settlement, and it seems to be unfair to those other nations if we intend by indefinite action really to cancel the debt of France. So I think it is entirely proper for a United States Senator to ask the question I have of a member of the Debt Commission or of other United States Senators.

Mr. NORRIS. But the Senator from Indiana must know that the question is not now before the Senate.

Mr. WATSON. Oh, it is not before the Senate, but——

Mr. NORRIS. The Senator must know, if he wants to be technical, that his question is out of order under the rules of the Senate.

Mr. WATSON. I am perfectly aware of that.

Mr. NORRIS. Very well; then the Senator admits my objection.

Mr. WATSON. If the Senator had made that objection, I would have acceded to it.

Mr. NORRIS. That is the objection I have made.

Mr. WATSON. But I do believe that there ought to be some sort of understanding had with reference to the matter. Of course, in the morning hour here we constantly bring up, as the Senator from Nebraska very well knows, matters which are not proper at the time, but no one objects. If the Senator from Nebraska objects, however, of course I am through.

Mr. HARRISON. Mr. President, I wish to ask the Senator from Indiana a question before he takes his seat.

Mr. WATSON. But objection has been made, and I can not answer.

Mr. HARRISON. I was going to make another suggestion. It may be that the Debt Commission is too busy refunding the debt of Greece by loaning the Greeks more money, and has not time to take up the question of the French debt settlement.

Mr. CURTIS. Mr. President, I hope we shall have the regular order. We had speeches yesterday morning on a resolution to which there was no objection, and I hope that this morning we shall have two hours on the calendar.

The VICE PRESIDENT. Petitions and memorials are now in order.

PETITIONS AND MEMORIALS

Mr. DILL presented a petition of sundry citizens of Tacoma, Wash., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WARREN presented a resolution adopted by the annual meeting of the Wyoming Engineering Society at Casper, Wyo., favoring the passage of legislation to provide for an inventory of the water resources of the United States, which was referred to the Committee on Commerce.

He also presented a resolution adopted by Lodge Engelbreckt, No. 193, Vasa Order of America, of Cheyenne, Wyo., protesting against the execution of the national-origins quota provision of the existing immigration law, which was referred to the Committee on Immigration.

Mr. WILLIS presented a petition of sundry citizens of Cleveland, Ohio, praying for the adoption of an equal distribution clause in pending radio legislation, which was referred to the Committee on Interstate Commerce.

Mr. CURTIS presented petitions of sundry citizens of Horton and Topeka, in the State of Kansas, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented a resolution adopted by the Great Council of Kansas, Improved Order of Red Men, at Wichita, Kans., favoring the passage of legislation for the computation of time in periods of 13 months of 28 days per annum, except one month in each period of four years which shall have 29 days, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Great Council of Kansas, Improved Order of Red Men, at Hutchinson, Kans., favoring the adoption by Congress of flood-control measures, which was ordered to lie on the table.

FLOOD CONTROL

Mr. TYSON. I present a telegram from the mayor and other citizens of Monroe, La., and vicinity, relative to flood control, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

MONROE, LA., *March 5, 1928.*

HON. LAWRENCE D. TYSON,
United States Senate, Washington, D. C.:

Impossible comprehend the indifference and heartlessness of exponents of Boeuf River flood way feature of Jadwin plan incorporated in Jones bill, which proposes certain privation, desolation, and death to fertile, prosperous valley wherein dwell 70,000 of your fellow citizens as per actual census recently taken. Jadwin plan contemplates raising all levees except at Cypress Creek vicinity, which 35-mile section he terms a fuse plug, and thus making certain that this particular levee is to break. Jadwin plan diverts 900,000 cubic feet per second through this valley, or twice 1927 flow, from breaks on Arkansas River. Our people rescued last year only with greatest sacrifice and heroism. With twice the flow of water proposed impossible to evacuate valley without serious loss of life, which will shake Nation to its depths.

Jones bill does not contemplate buying property or flowage rights nor restoring drainage in this flood way, and while thus endangering the lives of these 70,000 people and threatening destruction of their property the Jones bill makes unlawful any community taking steps to protect themselves. With memory of desolation and extreme danger to life accompanying last flood, we appeal to you to give further consideration to this inhuman proposal which would make fertile, prosperous section of State a valley of death and desolation.

ARNOLD BERNSTEIN,
Mayor of Monroe.
C. C. BELL,
Mayor, City of West Monroe.
THEO. F. TERZIA,
President Ouachita Parish Police Jury.
M. C. REDWOOD,
Member Louisiana State Senate.
H. H. RUSSELL,
City Attorney, City of Monroe.
DAN BREARD,
Commissioner of Finance, City of Monroe.
R. O. MORRISON,
Parish Engineer, Parish of Ouachita.

REPORTS OF COMMITTEES

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 2764) for the relief of Nelle McConnell, reported it with amendments and submitted a report (No. 479) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 379) for the relief of William R. Boyce & Son, reported it without amendment and submitted a report (No. 480) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (S. 1108) for the relief of Una May Arnold, reported it without amendment and submitted a report (No. 481) thereon.

Mr. McNARY, from the Commmittee on Agriculture and Forestry, to which was referred the bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, reported it without amendment and submitted a report (No. 482) thereon.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 63) to amend sections 1 and 2 of the act of March 3, 1891, reported it with amendments and submitted a report (No. 483) thereon.

Mr. NYE, from the Committee on Claims, to which was referred the bill (S. 1970) for the relief of Karim Joseph Mery, reported it without amendment and submitted a report (No. 484) thereon.

Mr. HOWELL, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 926) for the relief of Jennie Roll (Rept. No. 487);

A bill (H. R. 3673) for the relief of Maj. F. Ellis Reed (Rept. No. 488);

A bill (H. R. 7110) for the relief of Frances L. Dickinson (Rept. No. 489);

A bill (H. R. 8093) for the relief of John Rooks (Rept. No. 490); and

A bill (H. R. 8887) for the relief of Victorina Mesa, of Cavite, Philippine Islands (Rept. No. 491).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and read as follows:

By Mr. WALSH of Montana:

A bill (S. 3512) to authorize the taxation of certain interests in lands within reclamation projects; to the Committee on Public Lands and Surveys.

By Mr. BAYARD:

A bill (S. 3513) granting an increase of pension to Lousia Shott (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 3514) granting a pension to Anna Washburn;

A bill (S. 3515) granting an increase of pension to Eliza Killom; and

A bill (S. 3516) granting an increase of pension to Mary A. Hackelman; to the Committee on Pensions.

A bill (S. 3517) for the relief of Henry Snow; to the Committee on Military Affairs.

By Mr. SHIPSTEAD:

A bill (S. 3518) granting an increase of pension to John F. Mossberg (with accompanying papers); to the Committee on Pensions.

By Mr. DILL:

A bill (S. 3519) granting a pension to John L. Collins; to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 3520) granting an increase of pension to Sibal E. Richardson; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 3521) granting an increase of pension to Mary L. Williams (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3522) granting a pension to Laura B. Ehrenfeld (with accompanying papers);

A bill (S. 3523) granting an increase of pension to Amanda Alexander (with accompanying papers); and

A bill (S. 3524) granting an increase of pension to Alice E. Neil (with accompanying papers); to the Committee on Pensions.

A bill (S. 3525) for the relief of A. M. Thomas (with accompanying papers); to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 3526) for the relief of William J. McCarthy (with accompanying papers); to the Committee on Finance.

By Mr. COPELAND:

A bill (S. 3527) granting a pension to Lowell A. Chamberlin; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 3528) granting pensions to certain disabled children of veterans of the Civil War and the war with Spain; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 3529) to fix the term of office of commissioners of the Interstate Commerce Commission, and for other purposes; to the Committee on Interstate Commerce.

A bill (S. 3530) granting a pension to Harriet Stewart; to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 3531) to authorize construction at the United States Military Academy, West Point, N. Y.; and

A bill (S. 3532) to authorize an appropriation for the purchase of land at Selfridge Field, Mich.; to the Committee on Military Affairs.

By Mr. WILLIS:

A bill (S. 3533) granting an increase of pension to Susanna Fetzer (with accompanying papers); to the Committee on Pensions.

By Mr. COUZENS:

A bill (S. 3534) granting a pension to Joseph H. Peterson; and

A bill (S. 3535) granting an increase of pension to Jennie E. Buckley; to the Committee on Pensions.

By Mr. BROOKHART:

A joint resolution (S. J. Res. 109) to authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, for the purposes of the upper Mississippi River wild life and fish refuge act; to the Committee on Agriculture and Forestry.

AMENDMENTS TO AGRICULTURAL APPROPRIATION BILL

Mr. CURTIS submitted amendments intended to be proposed by him to House bill 11577, the Agricultural Department appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 57, line 1, strike out the figures "$715,000" and insert the figures "$765,000."

On page 57, line 6, strike out the period, insert a colon, and add the following:

"*Provided further,* That $50,000 of the above amount, of which $10,000 shall be immediately available, may be used to enable the Secretary of Agriculture to complete an experiment in the grading and marking of meats under standards fixed by the Department of Agriculture."

AMENDMENTS TO FLOOD CONTROL BILL

Mr. HAWES. Mr. President, I desire to submit sundry amendments to Senate bill 3434, being the Mississippi River flood control bill, and I ask that they may lie on the table, be printed, and printed in the RECORD.

At this time I wish also to give notice that, if it shall be agreeable to the Senate, at the conclusion of the morning hour on Friday I should like to address the Senate on the question of flood control.

The amendments intended to be proposed by Mr. HAWES to Senate bill 3434, the flood control bill, were ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

On page 1 insert the words "Cape Girardeau, Mo." in lieu of the word "Cairo" in the caption of the bill.

On page 1, line 3, insert the words "except as hereinafter provided" after the word "that."

On page 1, line 5, insert the words "Cape Girardeau, Mo." in lieu of the words "The mouth of the Ohio River."

On page 2, line 3, insert the words "Said report shall be changed so as to provide that all spillways shall be controlled spillways, instead of fuse-plug spillways," after the word "engineers."

On page 2, line 5, insert the following: "two experienced civilian engineers and one civilian of recognized, experienced executive ability" in lieu of the words "a civilian engineer."

On page 2, line 10, strike out the following: "details of the."

On page 2, line 11, insert the word "That" in lieu of the word "Those."

On page 2, line 24, strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. (a) That for the protection of life, property, and navigation from floods and overflows from the Mississippi River and its tributaries, to provide against interruptions to interstate commerce, facilitate the continuous passage of the United States mails and to provide for the general public welfare, it is hereby declared to be the sense of Congress that the Federal Government shall assume entire direction of the subject of flood control upon and along the Mississippi River and its tributaries from the Head of the Passes at its mouth to Cape Girardeau.

"(b) And in compliance with the universally stated opinion that flood control is a national problem, and in view of the fact that there was a loss from floods in this area of $40,000,000 in 1903, of $78,000,000 in 1912, of $12,000,000 in 1913, of $5,500,000 in 1916, of $17,000,000 in 1922, and of between $236,000,000 and $284,000,000 in 1927, total of $400,000,000; and because this section of the alluvial valley of the Mississippi River contributed $292,000,000 to the building of levees and works of flood control and prevention while the Federal Government has spent but $71,000,000 for the same purposes; and because of the gigantic scale of the project involving control of flood waters from a drainage area largely outside of the States immediately affected, this area being 41 per cent of the territory of the United States; and for the reason that uniform State or local contributions can not be directed by the National Government, and for the reason that, as flood control of the Mississippi River and its tributaries must be treated as one project the failure of one State or local district to contribute would jeopardize or destroy the unity of plan as provided herein, or its execution, it is hereby provided that the Federal Government, to make effective the provisions of this act, shall assume the entire cost of flood-control works from the Head of the Passes to Cape Girardeau and shall not require local contributions for the purpose of carrying out the provisions of this act, except for maintenance as hereinafter provided for.

On page 3, line 24, strike out the letter "(a)".

On page 4, line 1, strike out clause "(b)" down to the word "*Provided,*" in line 9.

On page 4, line 10, strike out the word "further."

On page 4, lines 11 and 12, strike out the words "but the United States shall acquire, as provided below, rights of way necessary therefor."

On page 5, line 1, insert the following paragraph as paragraph 1 of section 5, the present section 5 of the bill to be paragraph 2 thereof:

"SEC. 5. Just compensation shall be paid by the United States for all property used, taken, damaged, or destroyed in carrying out the flood-control plan provided for herein, including all expenditures by persons, corporations, and public service corporations made necessary to adjust or conform their property, or to relocate same because of the spillways, flood ways, or diversion channels herein provided."

On page 5, line 4, insert the words "including flood ways" after the word "project."

On page 5, line 20, insert the words "without cost" after the word "over."

CHANGE OF REFERENCE

On motion of Mr. REED of Pennsylvania, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 4920) authorizing the Secretary of War to award a Nicaraguan campaign badge to Capt. James P. Williams, in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913, and it was referred to the Committee on Naval Affairs.

UNVEILING EXERCISES AT STONE MOUNTAIN, GA.

Mr. HARRIS. I submit a concurrent resolution, which I ask may lie on the table.

The concurrent resolution (S. Con. Res. 12) was read and ordered to lie on the table, as follows:

Resolved by the Senate (the House of Representatives concurring), That there is hereby created a committee of Congress consisting of 5 Senators to be appointed by the President of the Senate and 10 Members of the House of Representatives to be appointed by the Speaker of the House to attend, as representing the Congress of the United States, the exercises at Atlanta, Ga., April 9, 1928, incident to the unveiling of a portion of the Stone Mountain monument by the Stone Mountain Confederate Monumental Association.

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on March 5, 1928, the President approved and signed the joint resolution (S. J. Res. 88) authorizing the erection on public grounds in the District of Columbia of a stone monument as a memorial to Samuel Gompers.

PUEBLO INDIAN LANDS

Mr. BRATTON. Mr. President, I think the Chair has on his desk a communication from the House of Representatives, which I ask may be laid before the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the amendments of the Senate to the House amendment to the bill (S. 700) entitled "An act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes," with an amendment as follows:

On page 3 of the House engrossed amendment, line 18, strike out all after the word "Interior" down to and including the word "ownership" in line 24, and insert: "*Provided*, That such reimbursement shall be made only from the proceeds of leases of the newly reclaimed pueblo lands whether leased by Indians or others; Indians, however, to be given the preference in the making of such leases, and the proceeds of such leases to be applied, first, to the reimbursement of the cost of the works apportioned to said irrigated area of approximately 8,346 acres: *Provided further*, That as to not to exceed 4,000 acres of such newly reclaimed lands if cultivated by Indians no rentals shall be charged the Indians: *Provided further*, That there is hereby created against the newly reclaimed lands a first lien for the amount of the cost of the works apportioned to such newly reclaimed lands, which lien shall not be enforced during the period that the title to such lands remains in the pueblo or individual Indian ownership."

Mr. BRATTON. I move that the Senate concur in the House amendment.

The motion was agreed to.

U. S. S. "DISPATCH"

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 771) providing for the gift of the U. S. S. *Dispatch* to the State of Florida, which were, on page 1, line 4, to strike out the word "loan" and insert "convey by gift"; on page 1, line 9, to strike out "or the return"; on page 1, to strike out all after the word "vessel," in line 9, down to and including the word "State," in line 13; and to amend the title so as to read: "An act providing for the gift of the U. S. S. *Dispatch* to the State of Florida."

Mr. HALE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

BRIDGE ACROSS THE CHESAPEAKE BAY

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1498) to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge.

Mr. TYDINGS. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate. I think the House amendments were made through a misapprehension and the conferees will quickly straighten out the matter.

The motion was agreed to; and the Vice President appointed Mr. JONES, Mr. MCNARY, and Mr. FLETCHER conferees on the part of the Senate.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 21. An act to provide for date of precedence of certain officers of the staff corps of the Navy; to the Committee on Naval Affairs.

H. R. 8337. An act to amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926; to the Committee on Post Offices and Post Roads.

H. R. 9958. An act to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects; to the Committee on Irrigation and Reclamation.

H. R. 8326. An act to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla.;

H. R. 8542. An act to provide for the construction of a hospital at the Fort Bidwell Indian School, California; and

H. R. 8543. An act to provide for the construction of a school building at the Fort Bidwell Indian School, California; to the Committee on Indian Affairs.

H. R. 465. An act to authorize the city of Oklahoma City, Okla., to sell certain public squares situated therein;

H. R. 6993. An act authorizing the Secretary of the Interior to sell and patent certain lands in Louisiana and Mississippi;

H. R. 7946. An act to repeal an act entitled "An act to extend the provisions of the homestead laws to certain lands in the Yellowstone Forest Reserve," approved March 15, 1906;

H. R. 8724. An act granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8733. An act granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8734. An act granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city; and

H. R. 9829. An act to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands"; to the Committee on Public Lands and Surveys.

H. R. 5806. An act to authorize the purchase of real estate by the War Department;

H. R. 5817. An act to provide for the paving of the Government road extending from St. Elmo, Tenn., to Rossville, Ga.;

H. R. 7932. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7944. An act to authorize appropriations for construction at military posts, and for other purposes; and

H. R. 11134. An act to authorize appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

H. R. 7198. An act authorizing Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Arkansas City, Ark.;

H. R. 7927. An act granting the consent of Congress to the Louisiana Highway Commission of the State of Louisiana to construct, maintain, and operate a free highway bridge across the Atchafalaya River at or near Melville, La.;

H. R. 8897. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street, in the city of Chicago, county of Cook, State of Illinois," approved March 21, 1924;

H. R. 9350. An act granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River;

H. R. 9361. An act granting the consent of Congress to the city of St. Charles, State of Illinois, to widen, maintain, and operate a bridge across the Fox River within the city of St. Charles, State of Illinois;

H. R. 9365. An act to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark.;

H. R. 9663. An act authorizing Hermann Simmons, jr., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Tampa Bay from Pinellas Point, Pinellas County, to Piney Point, Manatee County, Fla.;

H. R. 9761. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh, Pa.;

H. R. 9773. An act granting the consent of Congress to the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River, at or near the mouth of the Big Blue River, in Jackson County, Mo.;

H. R. 9831. An act authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.;

H. R. 9946. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Mount Carmel, Ill.;

H. R. 9964. An act authorizing E. L. Higdon, of Baldwin County, Ala., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala.;

H. R. 10025. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Cliff Street, McKeesport, Pa.;

H. R. 10143. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton highway;

H. R. 10144. An act authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex.;

H. R. 10373. An act authorizing the Plattsmouth Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Plattsmouth, Nebr.;

H. R. 10424. An act authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 10566. An act granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and operate a free highway bridge across the Illinois River at or near Peoria, Ill.;

H. R. 10658. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 10707. An act authorizing the Point Marion Community Club, of Point Marion, Pa., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 10756. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio; and

H. R. 10806. An act authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans.; to the Committee on Commerce.

H. J. Res. 175. Joint resolution to change the name of the Ancon Hospital in the Panama Canal Zone to the Gorgas Hospital; to the Committee on Interoceanic Canals.

THE CALENDAR

The VICE PRESIDENT. Morning business is closed. The calender under Rule VIII is in order.

VAN DORN IRON WORKS CO.

The bill (S. 624) for the relief of the Van Dorn Iron Works Co. was announced as first in order.

Mr. WILLIS. Mr. President, I am very anxious to have the Senate act on this bill, but the Senator from Washington [Mr. JONES] desires to be present when the bill is considered. I think, therefore, as a matter of fairness, I ought to ask that the bill be temporarily passed over, with the understanding that we may return to it when the Senator from Washington shall be in the Chamber.

The VICE PRESIDENT. The bill will be passed over temporarily.

ESTATE OF GEORGE B. SPEARIN, DECEASED

The bill (S. 1678) for the relief of the estate of George B. Spearin, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the estate of George B. Spearin, deceased, $5,616.29 as payment in full for all loss sustained by said Spearin by reason of failure, until April 11, 1917, of his attorney to file with the Treasury Department, in compliance with the provisions of the act of September 30, 1890 (26 Stat. L. 537), transcript of judgment of the Court of Claims in the case of Spearin against the United States.

Mr. EDGE. Mr. President, the bill was held over at the request of the Senator from New Mexico [Mr. BRATTON]. He has since investigated it and has assured me that he has no objection to the passage of the bill. I regret that the Senator from New Mexico is not at the moment in the Chamber, although he was here a short while ago.

Mr. KING. Mr. President, I should be glad if the Senator would make an explanation of the bill.

Mr. EDGE. I will be glad to make an explanation. A similar bill passed the Senate during the last Congress. It provides for the payment of back interest arising out of a judgment which the plaintiff, Spearin, since deceased, obtained in a case which he successfully prosecuted before the United States Court of Claims and which judgment was afterwards affirmed by the Supreme Court. Because of the illness of the attorney of record, living in Washington, an illness of such a character that he became insane, he failed to file within the proper time the papers necessary to secure the payment of the $5,616.29 interest. The doctor's certificate as to the attorney's insanity was presented to the Committee on Claims, and that committee unanimously recommended the passage of the bill. The Senator from New Mexico, as I have stated, merely asked that it be held up until he personally could investigate the case. He has done so, and has assured me he has no objection to its passage. I see the Senator from New Mexico is now in the Chamber.

Mr. BRATTON. Mr. President, the statement of the Senator from New Jersey is correct. I have examined the bill and satisfied myself that it is a meritorious one. The objection which I registered on a previous occasion is withdrawn.

Mr. EDGE. I thank the Senator.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VAN DORN IRON WORKS CO.

Mr. WILLIS. Mr. President, I note the Senator from Washington is now in his place in the Senate. I ask unanimous consent to return to Calendar No. 18, being Senate bill 624, in which the Senator from Washington was interested.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 624) for the relief of the Van Dorn Iron Works Co., which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Van Dorn Iron Works Co., out of any money in the Treasury not otherwise appropriated, the sum of $3,052.50 for package boxes manufactured by the Van Dorn Iron Works Co. as subcontractors and furnished to the Post Office Department by the contractors, the Columbia Supply Co., of New York, under its contract covering the period from March, 1901, to March, 1905.

Mr. WILLIS. Mr. President, when this bill was reached on a previous occasion the Senator from Washington [Mr. JONES] sought some information which I was unable at that time to give him. The question that he asked was a perfectly proper one. Since that time I have undertaken to secure the information desired, and I now have it.

The very proper question which the Senator propounded was this: Has the amount set forth in the bill been paid to the original contractor or anybody else? That was a very proper question; and, after considerable effort, I have secured the detailed information from the department. I have before me a letter under date of February 28 from the Acting Postmaster General. I will read the pointed paragraph and will place the entire letter in the RECORD, if I may. The letter is addressed to me. The Acting Postmaster General says:

You will note the statement of the Comptroller General that "the records of the General Accounting Office fail to disclose payment of the $3,052.50 to which the bill refers, or any part thereof, to either the Van Dorn Iron Works Co. or the Columbia Supply Co. or other contractor or subcontractor.

I am informed by the Bureau of the Budget that this advice is not in conflict with the financial program of the Budget.

That statement is quoted from the letter of the First Assistant Postmaster General. I have also here a copy of the original letter from the Comptroller General himself, Mr. McCarl, to the Postmaster General, which I will place in the RECORD if I may have permission. Does that furnish the information which the Senator from Washington sought?

Mr. JONES. It probably furnishes the information, but does not clear up the difficulty as I see it. Suppose that we pay this subcontractor this money, what is there to prevent the contractor, who had a direct contract with the Government, from coming in and insisting upon the Government paying him under his contract?

Mr. WILLIS. I think I can answer that question to the satisfaction of the Senator. In the first place, the whole matter is barred by the statute of limitation; that is the first direct answer to the question; and, in the second place, the Columbia Supply Co. had its case tried—I have here a letter from the attorney representing the United States at that time—and the case was decided against it because the Columbia Supply Co. had engaged in a fraudulent contract with an officer of the Government, whom I shall not name but who subsequently himself was tried and convicted and served a sentence in the penitentiary for having participated in a fraudulent contract.

The Columbia Supply Co., of course, is absolutely barred; and these people, the Van Dorn Iron Works Co., as this letter states, were innocent manufacturers. They furnished these boxes to the Government, and the Government is this day using them, and the company has never received a penny.

Mr. JONES. But they furnished these boxes without any contract with the Government.

Mr. WILLIS. The Van Dorn Iron Works Co. furnished the boxes in perfect good faith, as the Government says, perfectly innocently, to the Columbia Supply Co.; but the reason why the Columbia Supply Co. could not collect, and did not collect, was because of this fraudulent connivance between the Columbia Supply Co. and this officer of the Government. This officer of the Government, as I say, was subsequently convicted, and was sentenced to the penitentiary, and I think he is now in the penitentiary. The contract with the Columbia Supply Co., of course, was set aside as unenforcible and fraudulent, so they have not collected and can not collect, and for the further reason that they are barred by the statute of limitations.

The facts, therefore, are these: Here is this company, an innocent manufacturer that furnished this material to the Federal Government which the Federal Government is this day using. The question is, Shall it pay for it?

Mr. ROBINSON of Arkansas. What was the character of the fraud of which the Columbia Supply Co. was guilty?

Mr. WILLIS. I can not answer that in detail, Mr. President. That is a proper question. It was nothing whatever relating to the boxes.

Mr. ROBINSON of Arkansas. The boxes were accepted and used?

Mr. WILLIS. Oh, absolutely. The boxes were accepted. There is no complaint about them; but there was some sort of fraudulent understanding between this Government official and the Columbia Supply Co.

Mr. ROBINSON of Arkansas. Is the fact that the boxes were not paid for due to the lack of privity of contract between those furnishing them and the Government?

Mr. WILLIS. Exactly so. The contract was between the Government and the Columbia Supply Co. The Columbia Supply Co. was the one that was guilty of connivance with this Government official, who was subsequently sent to the penitentiary. The Van Dorn Iron Works Co., a perfectly innocent manufacturer, sold the boxes to the Columbia Supply Co., which in turn turned them over to the Federal Government. The Federal Government is using them yet, and the Van Dorn Iron Works Co. has never received a penny for the boxes.

Mr. JONES. Did the Government ever pay the Columbia Supply Co.?

Mr. WILLIS. It did not, because of the reasons I have stated. The supply company could not maintain its suit because the contract was set aside on the ground of fraud, connivance with this official, who subsequently was sent to the penitentiary for fraudulent conduct.

Mr. JONES. As a matter of fact, was the contract with the supply company set aside?

Mr. WILLIS. It was. They sued for the money, and the contract was set aside. I have here a letter from the United States attorney who tried the case.

Mr. ROBINSON of Arkansas. Who sued for the money?

Mr. WILLIS. The Columbia Supply Co. sued for the money, and the contract was set aside because of the fraud that was discovered; so they did not collect and never can collect, because their claim is barred by the statute of limitations.

Mr. ROBINSON of Arkansas. And there was no privity of contract between those who actually furnished the boxes and the Government?

Mr. WILLIS. There was no privity of contract between those who furnished the boxes and the Government. The Senator apprehends it correctly.

Mr. JONES. Does the department recommend this?

Mr. WILLIS. Absolutely.

Mr. JONES. The Senator says "absolutely." I have a case where there was not any fraud, where the Government got the benefit of all the work of the subcontractor, and yet the department recommends against it on the ground that there was no privity of contract between the Government and the subcontractor.

Mr. WILLIS. The difference between the Senator's case and the instant case undoubtedly is that in this case, as I have explained to the Senator, the contract with the original contractor was set aside on the ground of fraud, and the contract anyhow is now barred by the statute of limitations; so the original contractor could not collect, and never has collected, and never will.

Mr. JONES. I hope the Senator does not attach any importance to the statute of limitations in this matter, because very frequently we pass bills here avoiding the statute of limitations in connection with claims against the Government.

Mr. WILLIS. In view of the statements that have been made, and the information that has been placed in the RECORD that this contract was set aside on the ground of fraud, and the Government official who participated in the fraud was sent to the penitentiary, the Senator does not think that any future Senate will pass a bill to pay this company that was guilty of the fraud, especially if we shall pass this bill paying the company that actually furnished the material?

Mr. JONES. I will not vouch for what the Senate in the future may do or may not do in any particular matter.

Mr. NORRIS. Mr. President, may I ask the Senator from Ohio a question?

Mr. WILLIS. Certainly.

Mr. NORRIS. Would not this be possible if we establish a precedent: It may be—I do not know what the contract was—that the entire contract which the Senator says was set aside on the ground of fraud consisted of various things purchased from various subcontractors. If we set aside the contract on the ground of fraud, and then pay everybody for all of the material that was used in it, have not those who are trying to sustain the fraudulent contract attained their end?

Mr. WILLIS. No, Mr. President; I think not. I fear the Senator does not discriminate here. It was the Columbia Supply Co. that entered into the original contract and that was guilty of connivance with the Government official. The Van Dorn Iron Works Co., an entirely innocent manufacturer, sold these boxes to the Columbia Supply Co. in good faith, and they were furnished by the Columbia Supply Co. to the Government, and the Government is using them at this very hour.

Mr. ROBINSON of Arkansas. I see from the report of the Acting Postmaster General that a similar claim, a claim apparently in the same status as this, has already been allowed by the Congress.

Mr. WILLIS. That is correct. That is set forth in the committee report.

Mr. JONES. When was that done?

Mr. WILLIS. That is stated in a letter to the chairman of the House Committee on Claims, which the Senator has before him, under date of August 15, 1919; and the case to which the Senator from Arkansas is referring was the act of June 30, 1906.

Mr. JONES. Nineteen hundred and six?

Mr. WILLIS. Yes, sir.

Mr. JONES. What period of time did this transaction between the supply company and the Government take?

Mr. WILLIS. This is a similar case. It is not this case.

Mr. JONES. Oh, this is another case?

Mr. WILLIS. The Senator from Arkansas was calling attention to the fact that the Congress had acted in a similar case; not this case.

Mr. JONES. Has the Senator the original contract between the Columbia Supply Co. and the department?

Mr. WILLIS. I have not; no. Whatever the outcome of this discussion may be, I ask permission to place in the RECORD this letter from the Acting Postmaster General, recommending the legislation, and stating, as I read, that this company has never been paid, nor has any other company been paid, and also stating that the proposed payment is not in conflict with the financial program of the President; also, the letter from the Acting Postmaster General, Mr. Glover; likewise, the letter from the comptroller.

Mr. ROBINSON of Arkansas. Mr. President, it would be interesting and helpful if the Senator could state the basis for the judgment of fraud against the Columbia Co.

Mr. WILLIS. I wish I had that information, but I do not have it. I contented myself with the information that the contract was set aside on the ground of fraud. It appears that this official who was subsequently sent to the penitentiary was in connivance with the Columbia Supply Co., and when the Government discovered it, of course, action was had, and the man was tried and convicted.

Mr. JONES. I think the department ought to furnish to the Senate some more facts with reference to what was done on the Columbia Supply Co. contract.

Mr. WILLIS. I have tried to state that to the Senator—nothing at all. That contract was set aside on the ground of fraud.

Mr. JONES. I should like some of the papers and the judgment in connection with setting it aside.

Mr. WILLIS. That is, the reasons why it was set aside?

Mr. JONES. Yes.

Mr. WILLIS. Of course, I do not have the papers, but I suppose they could be secured. It seems to me the important fact is, though, that it was set aside on the ground of fraud. There is no suggestion in any quarter that the relationship of the Van Dorn Iron Works Co. to the matter is in any way tainted with fraud.

Mr. JONES. Personally, I should like to see how far this contract went, what various items it covers; and I should think the department could soon furnish that to the Senate.

Mr. WILLIS. I have been trying to get the information that was desired, and I thought I had just the information the Senator wanted. Here is the definite statement that he inquired about before, that the Government has never paid anybody for these boxes, and it is now using them, and the Postmaster General thinks it ought to pay for them. What is it that the Senator wants?

Mr. JONES. I did not have as much information before as I have now, I will say to the Senator.

Mr. WILLIS. No; nor I.

Mr. JONES. What led me to object in the first instance was that I saw that this was a bill to pay a subcontractor, and I have a bill before a committee to pay a subcontractor for work that he did for the Government and of which the Government has the benefit, and the department recommended to the committee that it not have consideration because there was no

contractual relation between the Government and the subcontractor. The subcontractor had to look entirely to his principal. That is what struck me with reference to this case and that is what led me to ask to have the matter go over. I am constrained to wish for some evidence of the character of the proceedings that the Government instituted and what the judgment was as against these contractors.

Mr. WILLIS. Would it help the Senator if I should read him the statement of the Government attorney who tried the case? I have it here.

Mr. JONES. No. From what the Senator says, that simply states a sort of conclusion. It does not give us any details.

Mr. WILLIS. Let me read the Senator a paragraph and perhaps it will give him the information he wants.

Mr. JONES. All right.

Mr. WILLIS. This is signed by the Government attorney who tried the case, Mr. Whiteley, then representing the Department of Justice. He says:

I contended that the contract was void because of fraud and the claim was dismissed by the court upon that ground—

That is, the claim of the Columbia Supply Co.

In dismissing the case the court held that it was possible for the plaintiff company to recover in the pending suit upon a quantum valebat because the Government accepted the boxes, retained possession, and used them, and no payment at all had been made. It further held that the plaintiff company had submitted no proof upon which to enter a judgment upon a quantum valebat—

In other words, they sued, as the Senator says, under the contract and not under quantum valebat—

the claim having been made for the full contract price, which included fraudulent profits to the contractor and an interest to a Government official. This decision was rendered December 2, 1918. At that time the statute of limitations had run against any claim and no new petition could be filed seeking compensation upon quantum valebat. At the time of the rendition of said judgment by the Court of Claims the statute of limitations had also run, as I understand, against any claim the subcontractor, the Van Dorn Iron Works Co., could make against the Columbia Supply Co., therefore any relief that is to be granted the subcontractor will have to come from Congress.

That is from Mr. Whiteley, the attorney representing the Department of Justice.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry. How much time can be devoted to one of these bills?

Mr. JONES. He said there that these contractors might come in on a quantum valebat, but that was shut out because of the statute of limitations; and yet here, notwithstanding the statute of limitations has run, we propose to pay this subcontractor. I rather look to see the contractor come in by and by on his quantum valebat and ask Congress to make good.

I think we had better have the judgment in the case; and I am going to ask that it may go over until the Senator from Ohio has the judgment.

Mr. WILLIS. I ask unanimous consent to have printed in the RECORD these letters to which I have referred.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters are as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., February 28, 1928.

Hon. FRANK B. WILLIS,
United States Senate.

MY DEAR SENATOR WILLIS: I have the honor to supplement my letter to you of the 2d instant relating to S. 624, being a bill for the relief of the Van Dorn Iron Works Co., by the inclosed correspondence between this department and the Comptroller General.

You will note the statement of the Comptroller General that "the records of the General Accounting Office fails to disclose the payment of the $3,052.50 to which the bill refers, or any part thereof, to either the Van Dorn Iron Works Co. or the Columbia Supply Co., or other contractor or subcontractor.

I am informed by the Bureau of the Budget that this advice is not in conflict with the financial program of the President.

Very truly yours,

JOHN H. BARTLETT,
Acting Postmaster General.

FEBRUARY 8, 1928.

GENERAL ACCOUNTING OFFICE,
Post Office Department Division:

I transmit herewith a letter from Hon. FRANK B. WILLIS, United States Senate, inclosing a copy of S. 624, being a bill for the relief of the Van Dorn Iron Works Co., and requesting to be advised as to whether the amount proposed to be paid to the Van Dorn Iron Works Co. has previously been paid by the Government to any other contractor or subcontractor.

In order that I may comply with the request of the Senator, I would appreciate it if you would, with the return of the inclosures, furnish me as soon as practicable such information as your records contain respecting this matter.

W. IRVING GLOVER,
Acting Postmaster General.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, February 20, 1928.

The honorable POSTMASTER GENERAL,

MY DEAR MR. POSTMASTER GENERAL: There has been received your letter of February 8, 1928, inclosing S. 624, Seventieth Congress, first session, entitled "A bill for the relief of the Van Dorn Iron Works Co.," and providing—

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Van Dorn Iron Works Co., out of any money in the Treasury not otherwise appropriated, the sum of $3,052.50 for package boxes manufactured by the Van Dorn Iron Works Co. as subcontractors and furnished to the Post Office Department by the contractors, the Columbia Supply Co., of New York, under its contract covering the period from March, 1901, to March, 1905."

You request advice whether the amount of $3,052.50, which the bill proposes to pay to the Van Dorn Iron Works Co., has previously been paid by the Government to any contractor or subcontractor, in order that you may comply with a request from the Hon. FRANK B. WILLIS for such information.

In reply you are advised that a search of the records of the General Accounting Office fails to disclose the payment of the $3,052.50 to which the bill refers, or any part thereof, to either the Van Dorn Iron Works Co. or the Columbia Supply Co., or other contractor or subcontractor.

In connection with the contract in question your attention is invited to a decision of the Court of Claims in the matter of this contract in the case of the Columbia Supply Co. v. United States (54 Ct. Cls. 10), where the court held this contract transaction fraudulent, and stated (p. 22) that—

"The fraud practiced had its inception in the amendment made to the contract of 1893 and extended without interruption through the contracts of 1897 and 1901. Payments of money were made to Machen up to as late as September, 1901, and were only then discontinued because of the apparent unwillingness of Machen to continue in his fraudulent conduct with the company."

And found (p. 13) that—

"These boxes were accepted by the department, but the bills therefor were not approved or warrant issued in payment thereof because of an investigation that had been instituted of irregularities in the purchase of supplies for said department,"

and to the further fact that said A. W. Machen, general superintendent, served a term in the penitentiary at Moundsville, W. Va., as a result of certain Postal Service irregularities.

Sincerely yours,

J. R. MCCARL,
Comptroller General of the United States.

FEDERAL TRADE COMMISSION,
Washington, February 27, 1928.

Senator FRANK B. WILLIS,
United States Senate, Washington, D. C.

Re S. 624, Seventieth Congress, first session.

MY DEAR SENATOR: Referring to my call upon you on Saturday, last, made at the request of Mr. E. C. Robinson of this city, representative of the Van Dorn Iron Works Co. of Cleveland, Ohio, and to your suggestion that I write you with reference to the legal status of the claim of the Columbia Supply Co. for payment for certain package boxes for the use of the Postal Service.

As I informed you Saturday, I represented the Department of Justice in the proceeding brought by the Columbia Supply Co. against the United States in the Court of Claims upon the contract of that company to furnish the Post Office Department with certain package boxes. I contended that the contract was void because of fraud and the claim was dismissed by the court upon that ground. In dismissing the case the court held that it was possible for the plaintiff company to recover in the pending suit upon a quantum valebat because the Government accepted the boxes, retained possession, and used them, and no payment at all had been made. It further held that the plaintiff company had submitted no proof upon which to enter a judgment upon a quantum valebat, the claim having been made for the full contract price which included fraudulent profits to the contractor and an interest to a Government official. This decision was rendered December 2, 1918. At that time the statute of limitations had run against any claim and no new petition could be filed seeking compensation upon quantum valebat. At the time of the rendition of said judgment by the Court of Claims the statute of limitations had also run, as I understand, against any claim the subcontractor, the Van Dorn Iron Works Co., could make against the Columbia Supply Co.; therefore, any relief that is to be granted the subcontractor will have to come from Congress.

So far as the record discloses or I have any information, the Van Dorn Iron Works was not connected in any way with the fraud practiced upon the Government nor did it have any knowledge of the same. Of course, I have no interest whatsoever in the matter except to present facts with which I am more or less familiar, and if there is any further information that you require and that I can furnish I would be very glad to do so.

Very truly yours,

RICHARD P. WHITELEY.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1182) to provide for the naming of certain highways through State and Federal cooperation, and for other purposes, was announced as next in order.

Mr. BLAINE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 511) to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

AGRICULTURAL EXTENSION WORK

The bill (S. 1285) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture, was announced as next in order.

Mr. KING. Mr. President, some amendments have been suggested with respect to this bill. The bill as it was offered in the House, and as recommended by the Budget, I am for very heartily. There are several amendments which have been suggested by a number of persons and several Senators. A conference has been held with the able Senator from Kansas [Mr. CAPPER], and I think an agreement will be reached by the next time the calendar is called. I shall be glad to join with him then in having the measure passed.

Mr. CAPPER. Mr. President, I think the Senator from Utah will agree with me that I have not been disposed to crowd the bill through. It has been on the calendar for many weeks, and I do hope that he will give me an opportunity at the next call of the calendar to get consideration of the bill when it is reached.

The VICE PRESIDENT. The bill goes over, under objection.

BILLS PASSED OVER

The bill (S. 2277) relating to giving false information regarding the commission of crime in the District of Columbia was announced as next in order.

The PRESIDING OFFICER (Mr. FESS in the chair). The pending amendment is that offered by the Senator from South Carolina [Mr. BLEASE].

Mr. BLEASE. Mr. President, I am willing that the bill shall go over, if there is no objection.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1476) for the relief of Porter Bros. & Biffle and certain other citizens was announced as next in order.

Mr. THOMAS. I ask that the bill be passed over temporarily.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2524) for the relief of Josephine Doxey was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PRACTICE AND PROCEDURE IN FEDERAL COURTS

The bill (S. 1094) to amend the practice and procedure in Federal courts, and for other purposes, was announced as next in order.

Mr. BAYARD. Let that go over.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

LOUISE A. WOOD

The bill (S. 61) granting an increase of pension to Louise A. Wood was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

RELIEF OF CERTAIN NAVAL RESERVE OFFICERS

The bill (S. 150) for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were released from active duty and disenrolled at places other than their homes or places of enrollment was announced as next in order.

Mr. KING. Mr. President, I would like to ask the Senator from California to explain the bill, to state what evil, if any, it seeks to correct, and what the expense to the Government will be.

Mr. SHORTRIDGE. Mr. President, I have a letter from the Secretary of the Navy which answers the question. These officers when discharged from the Government service were discharged at places other than where they were enrolled, and under a ruling they were not entitled to transportation to their respective homes.

Inquiry was made of the Secretary of the Navy in respect of the matter, and I take the liberty of reading his reply, addressed to the chairman of the committee, as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, February 28, 1928.

The CHAIRMAN, COMMITTEE ON NAVAL AFFAIRS,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: Replying to the committee's letter of February 15, 1928, with further reference to the bill S. 150, "for the relief of former officers of the United States Naval Reserve Force who were erroneously released f. m active duty, etc.," and requesting an approximate estimate as to the number of men involved, together with the cost, if the proposed legislation is enacted, I have the honor to inform you as follows:

In the past seven years only three officers affected by bill S. 150 have requested reimbursement for the travel covered by the terms of the bill. It is, therefore, estimated that there will be a maximum of not more than 50 cases, with a maximum estimated cost to the Government of $4,000.

Sincerely yours,

CURTIS D. WILBUR,
Secretary of the Navy.

It is a simple matter. If these officers had been discharged and relieved from further duty at the places of enrollment, or of their entry into the public service, all would have been well, but, as stated, they were discharged at places other than the places of enrollment, and under the ruling of the Comptroller General were not entitled to transportation.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. SHORTRIDGE. Certainly.

Mr. KING. The reason why I asked the Senator to explain the bill grows out of the fact that an officer was discharged at his own request in Honolulu in 1918 or 1919, I do not recall the year. He anticipated going into business there. The Government would have been willing to pay his expenses home to the mainland, but, as stated, desiring to engage in business in Honolulu, the officer asked to be discharged at that point. Three or four years afterwards, when he concluded that he would come back to the United States, his business in Honolulu not being such as he had anticipated, he desired to be paid the expenses the Government would have been out in returning him to the United States at the time he severed his relations with the Navy. I was wondering whether this bill would cover cases of that kind, because I am told there are a large number of them. If it would, I should be opposed to the bill.

Mr. TYDINGS. Mr. President, will the Senator from California yield?

Mr. SHORTRIDGE. I yield.

Mr. TYDINGS. That question came up, and if the Senator from California is not familiar with the situation, I may say that the bill does not apply to any man who asked to be relieved at a different station from that where he was supposed to be relieved. If a man asked to be discharged in London, it would not apply.

Mr. SHORTRIDGE. The chairman of the committee was about to make the statement that it would not apply to or cover a case of that kind.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as amended, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized to pay mileage at the rate of 8 cents per mile, computed by the shortest usually traveled route, for travel actually performed within

one year from date and place of release from active duty or disenrollment to their homes or places of enrollment, to such former officers of the United States Naval Reserve Force or United States Marine Corps Reserve who have been released from active service or disenrolled under honorable conditions and not at his own request at places other than their homes or places of enrollment, upon the presentation by such former officers of satisfactory evidence showing that they actually performed such travel to their homes or places of enrollment: *Provided*, That the provisions of this act shall be applicable only to former officers of the United States Naval Reserve Force or United States Marine Corps Reserve who were actually released from active duty or disenrolled under honorable conditions prior to July 1, 1922.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were released from active duty and disenrolled at places other than their homes or places of enrollment."

JOSEPHINE DOXEY

Mr. EDGE. Mr. President, I was called to the telephone a few moments ago, and Calendar No. 92, Senate bill 2524, for the relief of Josephine Doxey, a bill introduced by me, was passed over. I ask unanimous consent that we may return to that measure.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. Mr. President, from reading the report, I would be opposed to the bill anyhow.

Mr. EDGE. Mr. President, I understand we are operating under the five-minute rule, and I would like to make a brief explanation; and if the Senator from Utah shall then continue to object, of course, I can not help it.

Mr. SMOOT. I have no objection to the Senator making his statement.

Mr. EDGE. I really think this bill is a very meritorious one. It passed the Senate last year at the end of the session, too late to be acted upon in the House. It provides for payment under the workman's compensation act of the meager sum of $50 a month to a woman who had been, up to the time for her injury, in the service of the Government for many years. She was injured in the course of the performance of her duty in one of the departments of the Government, in the Treasury Department. Her claim was denied, it is true, by the Workmen's Compensation Commission of the Treasury Department.

Under date of January 21, 1926, McKenzie Moss, then Assistant Secretary of the Treasury, wrote as follows:

> The department has always felt that there was merit in Mrs. Doxey's case, and it is hoped that the commission will reopen the same.

The Assistant Secretary would not have said that unless he had made an investigation which warranted the statement.

Mrs. Doxey is a woman who is absolutely unable to do a stroke of work, I am informed. She fell on the floor of a cafeteria in the department in which she was employed, a cafeteria maintained there for the employees of the department, who used it in order that they might spend only the short time necessary to get their meals at that place. Mrs. Doxey fell and injured her hip, and I am informed that she is absolutely unable to enter into any employment at all.

It does seem to me that we should allow the small sum of $50 a month, $12.50 a week, to an old lady who has given years and years of service to the Government, at the small salary we know very well is paid for such services. It would not establish a precedent, as the case does not differ from many we have considered favorably time after time. At the last session of Congress I remember that the calendar contained a number of measures where so much a month was allowed to some one who had been injured, who had been turned down under the technical rules of the compensation commission. I believe this old lady failed to file the necessary notice and to be examined by the physician of the compensation commission. She was unaware of the requirements for six or seven weeks, as I recall from the report, when she was advised by some one and of course acted. There are a great many of those little technicalities involved in such cases. I think the Government is well able to pay $50 a month in this case.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. I object.

The PRESIDING OFFICER. The bill will go over.

Mr. SMOOT. Mr. President, I want to say that this cafeteria was not operated by the Government. It was operated there by private parties, for the convenience of the employees, just the same as many other cafeterias are being operated today. If there is any liability, it is on the part of the people who were running the cafeteria, and not on the part of the Government of the United States.

Mr. EDGE. Then why, may I ask the Senator, would the Assistant Secretary of the Treasury say very frankly, over his signature, that he believed that there was merit in this case?

Mr. SMOOT. Mr. Bassett, the commissioner, says there is not any. While they sympathize with her, they hold that there is no claim on the part of the Government.

Mr. EDGE. I suppose if the Government of the United States is so poor that it can not pay $50 a month to an employee because of some technicality, some technical objection, that her friends or someone else can make up for the failure of the Government. But considering that the Government spends millions of dollars on experiments and every other type of activity, as far as I am concerned I think it could well afford to pay $50 in this case.

PROTECTION OF MIGRATORY BIRDS

The bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes, was announced as next in order.

Mr. DILL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

RELIEF OF THE CITY OF NEW YORK

The bill (S. 459) for the relief of the city of New York, was announced as next in order.

Mr. COPELAND. Mr. President, may I ask the Senator from Utah if he is prepared to give his opinion on this bill?

Mr. SMOOT. I have just received a letter from the department this morning, and I ask that the bill may go over to-day until I can give it study. I see the department has sent me a mass of correspondence, and, therefore, I have made the request.

Mr. COPELAND. Then I ask that the bill go over without prejudice.

The PRESIDING OFFICER. The bill will be passed over.

RETIREMENT OF NATIONAL ARMY OFFICERS

The bill (S. 777) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, was announced as next in order.

Mr. KING. Mr. President, that bill is one of the special orders, and it will take some little time to discuss it. Of course, it will be reached within a few days under the special order, so I think it would be better not to displace it as a special order.

The PRESIDING OFFICER. The bill will go over.

DAVID M'D. SHEARER

The bill (S. 2720) for the relief of David McD. Shearer was announced as next in order.

Mr. KING. I would like to have an explanation of the bill.

Mr. SMOOT. I object to its consideration.

The PRESIDING OFFICER. The bill will be passed over.

SINKING OF SUBMARINE "S-4"

The resolution (S. Res. 109) creating a committee of the Senate to investigate the sinking of the submarine *S-4* was announced as next in order.

Mr. SMOOT. Let that go over. The Senator from Florida [Mr. TRAMMELL] is not in the Chamber.

PENSIONS AND INCREASE OF PENSIONS

The bill (S. 1939) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, that will take some little discussion, and I ask that it be passed over for the present.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2900) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. KING. Mr. President, there are a number of amendments to be offered to the bill, some of which I think will be accepted, and when that is done the bill will be very promptly passed. I ask, therefore, that it be temporarily passed over.

The PRESIDING OFFICER. The bill will be passed over.

REGISTRATION OF ARCHITECTS IN DISTRICT OF COLUMBIA

The bill (S. 2660) to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on the District of Columbia with an amendment, on page 9, line 12, after the word "counsel," to strike out:

Any person who shall make any willfully false oath or affirmation in any matter or proceeding required or permitted by this act shall be deemed guilty of perjury and liable to the punishment therefor provided by the Code of Law for the District of Columbia.

So as to make the bill read:

Be it enacted, etc., That sections 14, 16, 19, 22, 24, 25, 26, 27, 28, 29, and 30 of the act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924 (43 Stat. L. 714–718), be amended so that the same shall read as follows:

"SEC. 14. That, except as otherwise provided in this act, any person wishing to practice architecture in the District of Columbia under the title of architect shall, before being entitled to be or be known as an architect, secure from such board a certificate of qualifications to practice under the title of architect, as provided in this act.

"SEC. 16. That no person who was engaged in the practice of architecture in the District of Columbia on December 13, 1924, shall use or assume any title indicating that he or she is an architect, or any words, letters, or figures to indicate that the person using them is an architect, unless he or she shall have qualified and obtained a certificate of registration as an architect, or unless he or she shall, within six months after the passage of this act, file with said board an affidavit establishing to the satisfaction of said board the fact that he or she was in practice as an architect in said District on and prior to December 13, 1924. Nothing herein contained shall be construed to prevent any person who was engaged in the practice of architecture in said District on and prior to December 13, 1924, from applying to said board at any time for examination under this act. No firm shall be entitled to the style or designation 'architect' or 'registered architect' unless and until every member thereof shall be entitled to such designation. A corporation whose principal business, as shown by its character, is the practice of architecture, may apply for and obtain a certificate of registration, provided all its executive officers and directors are registered architects. The same exemptions shall apply to partnerships and corporations as apply to individuals under this act."

"SEC. 19. That any properly qualified person who shall have been actually engaged in the practice of architecture in the District of Columbia on December 13, 1924, may be granted a certificate of registration without examination on condition that the applicant shall submit satisfactory evidence to the said board that he is qualified to practice architecture and by payment to the board of the fee required for certificate of registration as prescribed in section 23 of this act: *Provided*, That nothing in this act shall prevent any person who was actually engaged in the practice of architecture under the title of architect prior to December 13, 1924, from continuing the practice of said profession without a certificate of registration and without the use in any form of the title 'registered architect' upon filing the affidavit required by section 16 of this act."

"SEC. 22. That an architect who has lawfully practiced architecture for a period of more than 10 years outside of the District of Columbia shall, except as otherwise provided in subdivision (b) of section 21, be required to take only a practical examination, the nature of which shall be prescribed by the board of examiners and registrars of architects."

"SEC. 24. That all examination papers and other evidences of qualification submitted by each applicant shall be filed with the board of examiners and registrars of architects, and said board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration.

"The record shall also contain the name, known place of business and residence, and the date and number of the certificate of registration of every registered architect entitled to practice his profession in the District of Columbia."

"SEC. 25. That every registered architect in the District of Columbia shall annually, during the month of May, renew his certificate of registration and pay the renewal fee required by section 23 of this act. Any such architect who fails to pay the said renewal fee shall cease to be a registered architect, subject to restoration upon paying the fee therefor prescribed in accordance with section 23 of this act.

"A person who fails to renew his certificate of registration during the month of May in each year may not thereafter renew his certificate except upon payment of the fee required by section 23 of this act for the restoration of an expired certificate of registration.

"Every renewal certificate shall expire on the 30th day of April following the issuance."

"SEC. 26. Exemptions: That the following shall be exempted from the requirements of this act: (1) Any person practicing or desiring to practice architecture in the District of Columbia who shall have made application to the board for registration as an architect and who shall have paid the fee provided for in section 23 of this act, such exemption to continue only until the board shall have denied such application; (2) any officer or employee of the United States or the District of Columbia practicing architecture in that capacity alone.

"SEC. 27. Revocation of certificate: That the board of examiners and registrars of architects may revoke any certificate after 30 days' notice with grant of hearings to the holder thereof if proof satisfactory to the board be presented in the following cases:

"(a) In case it is shown that the certificate was obtained through fraud or misrepresentation.

"(b) In case the holder of the certificate has been found guilty by said board or by a court of justice of any fraud or deceit in his professional practice or has been convicted of a felony by a court of justice.

"(c) In case the holder of the certificate has been found guilty by said board of gross incompetency or of recklessness in the planning or construction of buildings.

"(d) In case a corporation holding a certificate of registration shall have as one of its executive officers or directors a person not a registered architect.

"SEC. 28. That the proceedings for the annulment of registration (that is, the revocation of a certificate) shall be begun by filing written charges against the accused with the board of examiners and registrars of architects by the board itself or by any complainant. A copy of the charges together with a notice of the time and place of hearing shall be served on the accused at least 30 calendar days in advance of such hearing, which shall be postponed if necessary to give the requisite notice. Where personal service can not be made within the District of Columbia, service may be made by publication or personal service in accordance with such rules as the board may adopt, following generally and in principle the provisions of sections 105 as amended, 106, and 108 of the Code of Laws of the District of Columbia. At the hearing the accused shall have the right to be represented by counsel, introduce evidence, and examine and cross-examine witnesses. The secretary of the board is hereby empowered to administer oaths. The board shall make a written report of its findings, which report, with a transcript of the entire record of the proceedings, shall be filed with the Commissioners of the District of Columbia, and, if the board's finding shall be adverse to the accused, his or her certificate of registration shall stand revoked and annulled, at the expiration of 30 days from the filing of such report, unless within said period of 30 days a writ of error shall be issued as hereinafter provided, in which event said certificate shall stand suspended until the final determination of the court of appeals upon such writ of error. If an exception is taken to any ruling of the board on matter of law, the exception shall be reduced to writing and stated in the bill of exceptions with so much of the evidence as may be material to the question or questions raised, and such bill of exceptions shall be settled by the board and signed by the secretary within such time as the rules of the board may prescribe. Any party aggrieved by the decision of the said board may seek a review thereof in the Court of Appeals of the District of Columbia by petition under oath setting forth concisely, but clearly and distinctly, the nature of the proceeding before said board, the trial and determination thereof, and the particular ruling upon matter of law to which exception has been taken, said petition to be presented to any justice of the court of appeals within 30 days after the filing of the report of said board with the commissioners, with such notice to the board as may be required by the rules of the court of appeals. If the justices shall be of the opinion that the action of the board ought to be reviewed, a writ of error shall be issued from the court of appeals, within such time as may be prescribed by that court, a transcript of the record in the case sought to be reviewed, and the court of appeals shall review said record and affirm, reverse, or modify the judgment in accordance with law."

Section 29 of the said act of December 13, 1924, is repealed. A new section, to be numbered section 29, is hereby enacted, as follows: "The said board shall have power to require the attendance of persons and the production of books and papers and to require such persons to testify in any and all matters within its jurisdiction. The chairman and the secretary of the board shall have power to issue subpœnas, and upon the failure of any person to attend as a witness when duly subpœnaed or to produce documents when duly directed by said board, the board shall have power to refer the said matter to any justice of the Supreme Court of the District of Columbia, who may order the attendance of such witness or the production of such books and papers or require the said witness to testify, as the case may be; and upon the failure of the witness to attend, to testify, or to produce such books or papers, as the case may be, such witness may be punished for contempt of court as for failure to obey a subpœna issued or to testify in a case pending before said court."

"SEC. 30. That any person who shall use the title 'architect' or 'registered architect' or any other words, letter, or figures indicating or intending to imply that the person using the same is an architect or a registered architect, without having complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $200 or by imprisonment for not more than one year, or both, prosecution therefor to be made in the name of the District of Columbia by the corporation counsel."

SEC. 2. That nothing contained in this act shall be construed to affect the force and validity of any act of the board of examiners and registrars of architects performed prior to its passage. The act of December 13, 1924, and this act may be cited and known as the architects' registration act.

The amendment was agreed to.

The *bill* was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 781) requiring separate accommodations for white and colored passengers on street cars in the District of Columbia was announced as next in order.

Mr. JONES. The bill was reported adversely.

Mr. BLEASE. Mr. President, I will just ask for a yea-and-nay vote on the bill, without discussion.

The PRESIDENT pro tempore. Is the demand for the yeas and nays seconded? [After a pause.] The demand is not sufficiently seconded, and the bill goes over.

The bill (S. 132) to authorize the President to appoint LeRoy K. Pemberton a first lieutenant, Officers' Reserve Corps, United States Army, was announced as next in order.

Mr. KING. That is an adverse report. At the request of the Senator from California [Mr. SHORTRIDGE] I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2053) to establish a military record for Daniel K. Tafe was announced as next in order.

Mr. KING. That is also an adverse report. At the request of the senior Senator from California [Mr. SHORTRIDGE] I ask that the bill may be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1736) for the relief of Charles Caudwell was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 141) for the relief of Felix Medler was announced as next in order.

Mr. KING. The Senator from California [Mr. SHORTRIDGE] asked me to request that the bill be passed over.

The PRESIDING OFFICER. The bill goes over.

JAMES NEAL

The bill (H. R. 7553) for the relief of James Neal was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James Neal, alias James Spencer, who was a private of Company G, Thirty-fifth Regiment New Jersey Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 29th day of June, 1865: *Provided,* That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act.

Mr. JONES. Mr. President, may we have a brief explanation of the bill?

Mr. COPELAND. Mr. President, a similar bill passed the House last year, and this bill has passed the House this year. The report is very illuminating, I am sure. This soldier, while in Washington, was paid and told by his colonel that he, with others could go home, as the war was over; and he went home. He is a very old man, now 86 years of age, totally deaf. It has seemed to those of us who know the circumstances that it is a meritorious case. It is recommended by the committee, and I hope the bill will pass.

Mr. JONES. Mr. President, I want to suggest to the Senator from New York that I find quite an important statement in the report, which should go into the RECORD. In his affidavit he states he served with his company until June 29, 1865, and "while at Washington, D. C., he was paid and told by his colonel that he, with others, could go home, as the war was over. With that advice and permission of the colonel he came back to his home."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate was announced as next in order.

Mr. WILLIS. Mr. President, there are several Senators who have told me they desire to be present when this bill is taken up. This bill and Calendar No. 396, the bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands, and fixing salaries of certain officials, relate to the same general theme, and they are of such importance that I really think it is not possible to discuss them at any time in the morning hour. I shall make an effort to secure a day for their consideration at a very early date, but I think they ought not to be considered at this time for the reason I have given. I ask, therefore, that Calendar Nos. 226 and 396, to which I have referred, be passed over.

The PRESIDING OFFICER. Both bills will be passed over.

The joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. This being the unfinished business, it will be passed over.

The bill (H. R. 3315) for the relief of Charles A. Black, alias Angus Black, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 757) to extend the benefits of certain acts of Congress to the Territory of Hawaii was announced as next in order.

Mr. ROBINSON of Arkansas. I think there should be an explanation of the bill.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

WALTER W. JOHNSTON

The bill (S. 2711) for the relief of Walter W. Johnston was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, the amount stated in the bill is quite large. I think we should have some explanation of it.

Mr. SMOOT. Let the bill go over.

Mr. FLETCHER. Mr. President, may I ask the Senator from Utah to permit me to make a brief statement before he insists upon his objection?

Mr. SMOOT. Very well.

Mr. FLETCHER. In the absence of my colleague the junior Senator from Florida [Mr. TRAMMELL], I would call attention to the provisions of the bill. It is favorably reported by the committee and carries $15,000 in settlement of a claim by the man Johnston. The report says:

From the evidence presented, the committee is satisfied that there was an agreement entered into between Johnston and McGowan, the district supervisor; that this agreement was ratified by Sharlow, the successor of McGowan; that Johnston performed very valuable service; and that the Government profited very greatly from his work and the use of his invention.

From an affidavit appearing in the report I read as follows. The man making the affidavit says:

I was present at Jacksonville, Fla., on or about the 17th day of May, 1918, when an agreement was entered into by and between Walter W. Johnston and W. McGowan, supervisor of the fourth district of the United States Emergency Fleet Corporation of the United States Shipping Board, for the use of a launching device to be used at Jacksonville, Fla.

Under the agreement the United States Shipping Board was to pay to Walter W. Johnston the sum of $50,000 for the use of this device, if it proved satisfactory. I was at the time employed as plant engineer at the Merrill-Stevens shipyard, at Jacksonville, Fla., and will state that it was in the office occupied by me that the arrangements were made, and that I was present when that agreement was made.

I witnessed the launchings of the steamship *Red Cloud* on May 30, 1918, and the steamship *Apalachee* on July 4, 1918, when this device was used under the supervision of Walter W. Johnston, and from the launchings that I witnessed the device was perfect in its construction and quick in its action, and it was proved the device saved the Shipping Board several thousands of dollars on each launching.

It seems that Johnston did have an agreement with the Shipping Board, through his representative there, that if they used the device of his and it proved satisfactory, he was to have $50,000. They did test it at the time and they did use it, and they never paid Johnston anything. The committee reduced the

amount from $50,000 to $15,000. I think a similar bill passed the Senate once before. The amount has now been reduced to $15,000.

Mr. HEFLIN. And is reported favorably by the committee?

Mr. FLETCHER. Yes; for $15,000.

Mr. ROBINSON of Arkansas. Why did the committee reduce the amount? It would seem the claimant would be entitled to the full amount of his contract.

Mr. FLETCHER. That is what he thought.

Mr. ROBINSON of Arkansas. But the committee arbitrarily reduced the amount?

Mr. FLETCHER. Yes; apparently they did.

Mr. ROBINSON of Arkansas. There is no objection to the consideration of the bill under that statement. I think the question is whether the committee have allowed him enough. If he had a contract for $50,000 and they have allowed him only $15,000, they have not treated him with great consideration.

Mr. SMOOT. I think there ought to be something shown on the other side of the question. There ought to be something said as to why the contract was not carried out. I ask that the bill may go over for the day.

Mr. FLETCHER. The Senator will realize that in the shipbuilding operations there came a time when everything stopped. We were building wooden ships down there and we stopped building and launching them. I suppose that is one reason why there was never anything done by the department about it.

The PRESIDING OFFICER. Under objection, the bill goes over.

VAN DORN IRON WORKS CO.

Mr. WILLIS. Mr. President, a few moments ago we had rather extended discussion of Calendar No. 18, the bill (S. 624) for the relief of the Van Dorn Iron Works Co. It is my understanding now that the Senator from Washington [Mr. JONES] is willing to withdraw his objection. I therefore ask unanimous consent to return to Calendar No. 18.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Van Dorn Iron Works Co., out of any money in the Treasury not otherwise appropriated, the sum of $3,052.50 for package boxes manufactured by the Van Dorn Iron Works Co. as subcontractors and furnished to the Post Office Department by the contractors, the Columbia Supply Co., of New York, under its contract covering the period from March, 1901, to March, 1905.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATES OF JOHN FRAZER ET AL.

The bill (S. 2855) for the relief of the estates of John Frazer, deceased, Zephaniah Kingsley, deceased, John Bunch, deceased, Jehu Underwood, deceased, and Stephen Vansandt, deceased, was announced as next in order.

Mr. KING. Mr. President, the bill needs some explanation. It is hoary with age—over 100 years old.

Mr. FLETCHER. It is an old matter. The bill simply gives jurisdiction to the Court of Claims, disregarding the running of the statute of limitations, to hear and determine the merits of the case. There is a long report on the subject. A similar bill passed the Senate in the Sixth-eighth and Sixty-ninth Congresses. It has been favorably acted on in that way from time to time, but somehow or other it never seems to pass both Houses in the same Congress.

Mr. ROBINSON of Arkansas. I see that as early as 1880 the President sent a message to Congress recommending action on the claim.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That jurisdiction be, and hereby is, given to the United States Court of Claims (notwithstanding any bar arising from the statute of limitations or otherwise, and notwithstanding any decisions, rulings, or orders heretofore rendered or made by executive officers of the United States) of the claims of the estates of said John Frazer, deceased; Zephaniah Kingsley, deceased; John Bunch, deceased; Jehu Underwood, deceased; and Stephen Vansandt, deceased, known as the east Florida claims, for unpaid balances due on awards made by the Superior Court of the Territory of Florida at St. Augustine, under the treaty of 1819 between the United States and Spain with respect to property of said decedents taken or destroyed by the military forces of the United States; and said court is hereby directed to make findings of fact and enter judgment in relation to each of said claims: *Provided*, That from the judgments of said court on said claims either party shall have the right to appeal to the Supreme Court of the United States.

SEC. 2. That in adjudicating said claims said Court of Claims shall consider all findings of fact and all other evidences relative to the same, respectively, which is on file of the records of the United States or the State of Florida.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTION AND BILLS PASSED OVER

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 1628) relating to the office of Public Buildings and Public Parks of the National Capital was announced as next in order.

Mr. SMOOT. Let the bill go over. I would like to have a copy of the bill placed in my folder before it is called again for consideration.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 133) for the relief of Kenneth B. Turner was announced as next in order.

Mr. KING. The Senator from California [Mr. SHORTRIDGE] requested me, if the bill was reached, to ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

INDIAN OCCUPANCY OF RAILROAD LANDS

The bill (S. 2154) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, was announced as next in order.

The PRESIDING OFFICER. The Chair lays before the Senate a similar bill received from the House of Representatives to-day.

The bill (H. R. 8293) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, was read twice by its title.

Mr. ROBINSON of Arkansas. I think someone should discuss the bill and give the Senate an explanation of its provisions and purposes. I ask that it be passed over temporarily in the absence of Senators who are interested in it.

The PRESIDING OFFICER. The bill will be passed over.

JUDICIAL DISTRICTS IN OKLAHOMA

The bill (H. R. 7011) to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State was announced as next in order.

Mr. JONES. Mr. President, I do not know anything about the merits of the bill. I think we should have a statement from the Senator from Oklahoma [Mr. THOMAS] with reference to it.

Mr. THOMAS. Mr. President, the bill provides, as its title indicates, for detaching Okfuskee County in Oklahoma from the northern judicial district and attaching it to the eastern judicial district. This is suggested for the reason that there are better transportation facilities from Okfuskee County to the court towns in the eastern than in the northern district. The railroad facilities are claimed to be better to Muskogee than to Tulsa and because of these reasons citizens of Okfuskee County prefer to have their business transacted at Muskogee. The Attorney General recommends the transfer of this county from the northern to the eastern district.

Mr. JONES. May I ask the Senator if his colleague is favorable to the legislation?

Mr. THOMAS. I can not answer for my colleague, the senior Senator from Oklahoma [Mr. PINE], but I understand that he has no serious objection to it.

The PRESIDING OFFICER. Is there objection?

Mr. JONES. Mr. President, I think I had better ask that the bill go over. I do not know anything about the merits of the charges contained in the letter I have received. I did not know that the bill was coming up this morning, so that I have not the letters with me.

The PRESIDING OFFICER. Being objected to, the bill goes over.

INDIAN OCCUPANCY OF RAILROAD LANDS

Mr. FRAZIER. Mr. President, I ask unanimous consent that the Senate return to Order of Business 271, being the bill (S. 2154) to amend an act entitled "An act for the relief of Indians

occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913.

House bill 8293, which is identical with the Senate bill, has been passed and is now at the desk. I move to substitute that bill for the Senate bill, and if that shall be done, I will move that the Senate bill be indefinitely postponed.

Mr. ROBINSON of Arkansas. Will the Senator explain the bill?

Mr. FRAZIER. It simply proposes to give title to certain lands included in railroad property to some Indians who have lived on it for years. The bill is approved by the department and, indeed, is a departmental bill.

The bill (H. R. 8293) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That all of the provisions of an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, and amended by the act of April 11, 1916, and the act of June 30, 1919, be, and the same are hereby, extended to March 4, 1931: *Provided*, That the provisions of this act shall apply only in cases where it is shown that the lands were actually occupied in good faith by Indians prior to March 4, 1913, and the applicants are otherwise entitled to receive such tracts, in allotment under existing law but for the grant to the railroad company.

Mr. KING. I ask the Senator from North Dakota if he means literally what he said, that these Indians are living upon railroad land and have done so for a number of years, and that now Congress proposes to give them the land?

Mr. FRAZIER. It is proposed that Congress shall give them title to the land.

Mr. KING. That is, if the land belongs to the railroad company, how may we take it from the railroad company?

Mr. FRAZIER. It is proposed to give other lands to the railroad company, as I understand, to take the place of the lands to which the Indians are to be given title.

Mr. KING. Is the railroad company willing to make the exchange?

Mr. FRAZIER. They have so stated.

Mr. PITTMAN. I will ask the Senator from North Dakota if it is not an enabling act? In other words, the railroad company has no authority to dispose of any of its right-of-way land.

Mr. FRAZIER. These were lands, as I understand, which were granted to the railroad company as right of way.

Mr. PITTMAN. That is, it is simply an authorization for a trade?

Mr. FRAZIER. The lands are embraced in a railroad right of way.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2154 will be indefinitely postponed.

A. N. ROSS

The bill (S. 2424) for the relief of A. N. Ross was announced as next in order.

Mr. KING. That bill having been adversely reported, I move that it be indefinitely postponed.

The motion was agreed to.

EXEMPTION OF SHORT-LINE ROADS FROM RECAPTURE CLAUSE

The bill (S. 656) to amend section 15a of the interstate commerce act, as amended, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That paragraph (5) of section 15a of the interstate commerce act, as amended, be, and the same is hereby, amended to read as follows:

"(5) Inasmuch as it is impossible (without regulation and control in the interest of the commerce of the United States considered as a whole) to establish uniform rates upon competitive traffic which will adequately sustain all the carriers which are engaged in such traffic and which are indispensable to the communities to which they render the service of transportation, without enabling some of such carriers to receive a net railway-operating income substantially and unreasonably in excess of a fair return upon the value of their railway property held for and used in the service of transportation, it is hereby declared that any carrier which receives such an income so in excess of a fair return shall hold such part of the excess, as hereinafter prescribed, as trustee for, and shall pay it to, the United States: *Provided, however*, That from and after February 28, 1920, the provisions of this section requiring any common carrier by railroad that received for any year a net railway-operating income in excess of a fair return upon the value of railway property held for and used by it in the service of transportation, to hold one-half of the excess as prescribed in said section, as trustee for and to pay it to the United States, shall not apply to common carriers by railroad subject to the provisions of this act (a) whose main track and branch lines do not exceed 200 miles in length and whose annual gross railway-operating revenue for any year, computed on the average of the three successive and immediately preceding calendar years, beginning with 1920, as reported to the Interstate Commerce Commission as required by law, does not exceed $10,000 per mile per annum of operated main track and branches; or (b) whose main track and branches do not exceed 100 miles in length and whose annual gross railway-operating revenue for any year, computed on the average of the three successive and immediately preceding calendar years, beginning with 1920, as reported to the Interstate Commerce Commission as required by law, does not exceed $15,000 per mile per annum of operated main track and branches, and in addition thereto and to the extent to be determined by the commission, as hereinafter provided, to railroads whose main track and branches do not exceed 200 miles which are deemed hereunder to have a probable limited-service life: *And provided further*, That none of such railroads to be thus relieved from the payment to the commission, in whole or in part, of such excess earnings, are owned and/or operated as a part of or by a general system of common-carrier railroad transportation owning or operating a line or lines of railroad exceeding 200 miles in length.

"In determining whether any such common carrier by railroad shall be entitled, on account of having a probable limited-service life, to exemption from the payment to the commission in any year of the whole or any portion of its net railway-operating income as defined in this section in excess of a fair return upon the value of railway property held for and used by it in the service of transportation, the commission shall give due consideration, among other things, as to whether or not the major portion of such carrier's total railway-operating revenue is derived from the transportation of products from mineral deposits, and/or stands of timber, and/or petroleum products from oil fields, and/or other natural resources, or from the transportation of any other products that will result in a limited-service life for such carrier, or from the transportation of products from industries which derive the major portion of their raw materials from such mineral deposits, stands of timber, oil fields, or other natural resources, it being hereby declared to be the policy of Congress that such carriers shall be entitled to set aside, out of their gross operating revenue at the end of each year, as a depletion account to be credited to such account and used by them for any lawful purpose, such percentage of their total railway-operating revenue as the commission may determine to be just and equitable under circumstances as applied to each individual carrier on account of such probable limited-service life, in a proceeding to be hereinafter provided for.

"Any common carrier by railroad, subject to the provisions of this act, which is exempted from the provisions of paragraph (5) of section 15a of the interstate commerce act as herein and hereby amended and/or that has been relieved by or under the provisions hereof from paying to the commission in whole or in part its net railway-operating income in excess of a fair return upon the value of its railway property held for and used by it in the service of transportation and that has heretofore paid or is obligated at the time this act takes effect to pay any such excess earnings to the commission, may apply to the commission for an order directing the return to such carrier of such excess earnings heretofore paid to the commission and the commission shall return such excess payment to such carrier and/or by order relieve it from such existing obligations then unpaid.

"Any common carrier by railroad having a main and branch line track length of less than 200 miles and an annual gross railway-operating revenue for the average of any three successive and immediately preceding calendar years in excess of $10,000 per mile of operated main and branch track, and that is required to pay to the commission any excess earnings, as herein defined, but believes that on account of having a probable limited-service life that it is entitled to set aside a percentage of its gross railway-operating revenue as a depletion account, as herein provided for, may apply to the commission for an order permitting it to create such depletion account and to set aside therein, as hereinbefore provided, a percentage of its gross railway-operating revenue; and the commission may, in its discretion, grant such application and issue such order to said carrier, specifying therein what percentage of such gross railway-operating revenue said carrier may be permitted to set aside in each year on account of its probable limited-service life.

"The commission may, from time to time, for good cause shown or on its own motion, make such orders supplemental to any order made hereunder as it may deem necessary or appropriate."

Mr. PITTMAN. Mr. President, this bill has been unanimously reported by the Interstate Commerce Committee of the Senate, as in the last Congress a similar bill was likewise unanimously reported by that committee. The purpose of the bill is to relieve from the recapture clause of the interstate commerce act any railroad under 200 miles in length which has not earned an average gross income of $10,000 a mile, based on a three years' calculation. The reason for adopting $10,000 a mile is because, with only two or three exceptions, no railroad

has ever been able to make any income on such low gross receipts. It applies to short-line railroads, as the report shows, because, as a rule the little short-line railroads have only one class of traffic. They go into a lumber community or into a farming community or into a mining community. For four or five years, perhaps, they will have a deficit and will not even be able to pay the interest on their bonds. Then possibly there will be two years in which they will pay over 6 per cent. When they do that the Government comes in and under the recapture clause takes half of their excess income away from them, with the result that it has meant bankruptcy for a number of short-line railroads and will mean bankruptcy for a great many others if the practice shall be continued. That is about the situation.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and is open to amendment.

Mr. METCALF. Mr. President, I offer the amendment which I send to the desk. I propose the amendment in order to take care of railroads 5 miles or less in length. It will only affect two or three roads which run to mines or to factories. When the business is bad they do not make any money, or they may suffer such calamities as having bridges washed away. I hope the amendment may be adopted.

The PRESIDING OFFICER. The amendment proposed by the Senator from Rhode Island will be stated.

The CHIEF CLERK. On page 3, line 6, after the word "branches," it is proposed to strike out the comma and to insert a semicolon and the following words:

or (c) whose main track and branches do not exceed 5 miles in length, and whose annual gross railway-operating revenue for any year, computed on the average of three succeeding and immediately preceding calendar years beginning with 1920, as reported to the Interstate Commerce Commission as required by law, does not exceed $100,000.

Mr. PITTMAN. How much would that amount to in gross earnings per mile?

Mr. METCALF. I do not know exactly what the figure would be per mile; but only two or three roads would be affected, and the whole recapture would be somewhere in the neighborhood of $20,000.

Mr. SACKETT. Mr. President, I think the amendment proposed by the Senator from Rhode Island covers the ground properly, and I do not think its adoption would interfere with the bill at all.

Mr. PITTMAN. I am willing to have the matter go to conference.

The PRESIDING OFFICER. Without objection, the amendment proposed by the Senator from Rhode Island is agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGE AT ABERDEEN, OHIO

The bill (S. 1170) granting the consent of Congress to the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River was announced as next in order.

Mr. SACKETT. Mr. President, I ask that House bill 437, which passed the House of Representatives on yesterday and has come over to the Senate, be substituted for the bill the title of which has just been stated.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 437) authorizing the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky., which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the Maysville Bridge Co., its successors and assigns, be and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near Maysville, Ky., and Aberdeen, Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The Maysville Bridge Co., its successors and assigns, is authorized to construct, maintain, and operate such bridge and the necessary approaches thereto as a railroad bridge for the passage of railway trains or street cars, or both, or as a highway bridge for the passage of pedestrians, animals, and vehicles, adapted to travel on public highways, or as a combined railroad and highway bridge for all such purposes; and there is hereby conferred upon Maysville Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. After the completion of such bridge, as determined by the Secretary of War, if the same is constructed as a highway bridge only, either the State of Kentucky, the State of Ohio, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 4. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 3 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. If such bridge is constructed as a combined railroad bridge for the passage of railway trains or street cars, and a highway bridge for the passage of pedestrians, animals, and vehicles, then the right of purchase and condemnation conferred by this act shall apply to a right of way thereover for the passage without cost of persons, animals, and vehicles adapted to travel on public highways; and if the right of purchase or condemnation shall be exercised as to such right of way over the bridge, then the measure of damages or compensation to be allowed or paid for such right of way shall be a sum equal to the difference between the actual fair cash value of such bridge determined in accordance with the provisions of section 3 of this act, and what its actual fair cash value so determined would have been if such bridge had been constructed as a railroad bridge only. If the right of purchase or condemnation conferred by this act shall be exercised as to the right of way over such bridge, then that part of the bridge which shall be purchased or condemned and shall be thereafter actually used for the passage of pedestrians, animals, or vehicles, shall be maintained, operated, and kept in repair by the purchaser thereof.

SEC. 6. The Maysville Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War, and the highway departments of the States of Kentucky and Ohio, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Maysville Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financ-

ing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 3 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Maysville Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. JONES. May I ask the Senator from Kentucky if the House bill is identical with the Senate bill?

Mr. SACKETT. I have not read the House bill since it came over, but there have been no objections to it. The Senate bill was recommended by the Senate committee, and the two bills are practically the same, I think. Senate bill 1170 was introduced by the Senator from Ohio [Mr. FESS] who is now in the chair. I have no reason to think that the bills are not identical, and, as I have said, no objection has been raised.

Mr. JONES. Of course, if the bills are the same it is all right, if they follow the regular form.

Mr. SACKETT. They do follow the regular form. The next bill on the calendar also follows the regular form.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut that the House bill be substituted for the Senate bill and that the House bill be considered?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 437) authorizing Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 1170 will be indefinitely postponed.

OHIO RIVER BRIDGE AT MAYSVILLE, KY.

The bill (S. 761) granting the consent of Congress to Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River was announced as next in order.

Mr. SACKETT. I ask that House bill 472 of similar title be substituted for the Senate bill.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 472) authorizing Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky., which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, Dwight P. Robinson & Co. (Inc.), its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation at or near Maysville, Ky., and Aberdeen, Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Dwight P. Robinson & Co. (Inc.), its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Dwight P. Robinson & Co. (Inc.), its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Kentucky, the State of Ohio, any public agency or political subdivision of either of such States within or adjoining which any part of the bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Dwight P. Robinson & Co. (Inc.), its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War, and with the highway departments of the States of Kentucky and Ohio, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Dwight P. Robinson & Co. (Inc.), its successors and assigns, shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to the review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act, is hereby granted to Dwight P. Robinson & Co. (Inc.), its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky to substitute House bill 472 for Senate bill 761 and to consider the House bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider House bill 472.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 761 will be indefinitely postponed.

RIGHTS OF WAY THROUGH PUEBLO INDIAN LANDS, NEW MEXICO

The bill (S. 1941) to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico was announced as next in order.

Mr. BAYARD. At the request of the senior Senator from New Mexico [Mr. BRATTON], I ask that the bill go over.

Mr. LA FOLLETTE. Does the Senator from Delaware desire an explanation of the bill, or does he insist upon it going over?

Mr. BAYARD. My objection to the bill was entered at the request of the senior Senator from New Mexico [Mr. BRATTON], who can not be present and who asked me to make the request that the bill go over for the day.

Mr. LA FOLLETTE. If the Senator desires an explanation of the bill I can give such explanation.

Mr. BAYARD. I merely desire that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

STANDARDS FOR HAMPERS, ETC.

The bill (S. 2148) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes, was announced as next in order.

Mr. BAYARD. Mr. President, I have two amendments which I should like to offer to the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. Mr. President, I should like to hear an explanation of the bill. I confess that it seems to me rather revolutionary that the Federal Government should make it a crime for a person to ship his own products in any sort of receptacle that he may determine to be proper.

Mr. McNARY. Mr. President, somewhat at length and quite willingly a week ago I explained the purposes of the bill. It simply meets a situation which it is necessary to meet in order to prevent deception and fraud in the shipment of vegetables in interstate commerce. At some future day I shall be glad to discuss it at length for the benefit of the Senator from Utah, but to-day I am going to ask that it go over for this reason——

Mr. KING. I was not going to ask that it go over.

Mr. McNARY. I am going to make that request. The Senator from Delaware [Mr. BAYARD] has suggested amendments which I am inclined to accept. However, being a departmental bill, I think the amendments should have the sanction or disapproval of the department. The Senator from New Jersey [Mr. EDGE] has some communications regarding the measure which I think he wants further to familiarize himself with.

Mr. EDGE. Is the Senator referring to the bill which he and I discussed this morning?

Mr. McNARY. Yes.

Mr. EDGE. I would appreciate it if the Senator would let it go over. I have written only this morning, following our conversation, for additional information.

Mr. McNARY. In courtesy to the Senator from New Jersey and in view of the amendments offered, I am going to ask that the bill go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

CROP INSURANCE

The bill (S. 2149), authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance, was announced as next in order.

Mr. McNARY. Mr. President, this is a very important measure, which can not be thoroughly discussed under the five-minute rule. I am preparing some data to present to the Senate in connection with the bill, and I ask that it go over without prejudice.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

GAME SANCTUARIES IN NATIONAL FORESTS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2456) to establish game sanctuaries in the national forests.

The PRESIDING OFFICER. The bill was considered on February 24, and the amendment reported by the committee was agreed to.

Mr. ROBINSON of Arkansas. Mr. President, when this bill was reached on a former call of the calendar the Senator from Wisconsin [Mr. BLAINE] expressed the desire to have the bill broadened in its last paragraph so as expressly to include predatory birds. I have no objection to such an amendment if the Senator from Wisconsin thinks the word "animals" would not be sufficiently broad after striking out all following the word "animals." After discussing the matter with the Senator from Wisconsin, I myself propose an amendment, in line 7, after the word "animals," to strike out all down to the end of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 3, section 3, line 7, after the word "animals," it is proposed to strike out "such as wolves, coyotes, foxes, pumas, and other species destructive to livestock or wild life or agriculture within the limits of said game sanctuaries or refuges," so as to make the section read:

SEC. 3. That the Secretary of Agriculture shall execute the provisions of this act, and he is hereby authorized to make all needful rules and regulations for the administration of such game sanctuaries or refuges in accordance with the purpose of this act, including regulations not in contravention of State laws for hunting, capturing, or killing predatory animals.

Mr. McNARY. Mr. President, I do not know that I shall insist upon any objection. I think, however, the thought that was in the mind of the Senator from Wisconsin [Mr. BLAINE] is covered by the language of the annual agricultural appropriation bill under the title "Predatory animals," under the subhead of "Biological Survey," where $800,000 annually is appropriated to study the habits of predatory animals, also including the bird family.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me?

Mr. McNARY. Yes.

Mr. ROBINSON of Arkansas. The provision we are now dealing with does not authorize any appropriation. It merely reserves the right—

to make needful rules and regulations for the administration of such game sanctuaries, * * * including regulations not in contravention of State laws for hunting, capturing, or killing predatory animals.

If the amendment is agreed to, I do not think it will conflict with the provision of the bill to which the Senator has referred. The point in my mind, to which I direct the attention of the Senator from Wisconsin, is whether he desires the words "and birds" inserted after "animals," after striking out the express designation of certain animals, my thought being that birds are also animals.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Wisconsin?

Mr. ROBINSON of Arkansas. Certainly.

Mr. BLAINE. I think, in regulatory acts of this character, birds do not come within the definition of "animals," and my thought is that the Secretary of Agriculture ought to have the right to initiate rules and regulations for the taking of predatory animals and birds, so that there will be no question about it.

If the Senator from Arkansas has no objection, I would suggest the addition of the words "and birds" after "animals."

Mr. ROBINSON of Arkansas. I have no objection to that.

Mr. McNARY. I think that amendment is quite proper, in view of the treatment of this subject matter in the annual appropriation bill for the Department of Agriculture.

The PRESIDING OFFICER. Without objection, the amendment as modified will be agreed to.

Mr. ROBINSON of Arkansas. No, Mr. President; I am striking out the predatory animals specially mentioned in the bill and ending the bill with the words "or killing predatory animals and birds."

Mr. SMOOT. "Birds and animals."

Mr. ROBINSON of Arkansas. I have no objection to saying "birds and animals." I can not see, for the life of me, the difference between saying "birds and animals" and saying "animals and birds." If the Senator from Utah can make that difference important, I shall gladly accept his suggestion.

Mr. SMOOT. Let me tell the Senator what I had in mind. I did not catch his last amendment; but what I had in mind was this:

The amendment as offered was to read:

or killing predatory animals and birds, such as wolves—

And so forth.

Mr. ROBINSON of Arkansas. No, indeed. I have stated three times, Mr. President, that I moved to strike out all language after the word "animals," and I believe that amendment has already been agreed to. The words "predatory animals" and "predatory birds" are pretty well defined.

Mr. SMOOT. Certainly; but not "such as wolves." That is all right.

Mr. ROBINSON of Arkansas. That has been stricken out of the bill on my own motion.

Mr. SMOOT. If that has been stricken out, I have nothing further to say.

Mr. ROBINSON of Arkansas. Now I move to insert, after the word "animals," the words "and birds."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HORTICULTURAL, ETC., WORK IN SOUTHERN GREAT PLAINS AREA

The bill (S. 2832) providing for horticultural experiment and demonstration work in the southern Great Plains area was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with amendments.

The first amendment was, in section 1, page 1, line 10, after the word "at," to strike out "one" and insert "or within reasonable proximity to one or more," so as to make the section read:

That the Secretary of Agriculture is hereby authorized and directed to cause such shade, ornamental, fruit, and shelter belt trees, shrubs, and vines as are adapted to the conditions and needs of the southern Great Plains area, comprised of those parts of the States of Colorado, Nebraska, Kansas, Texas, Oklahoma, and New Mexico lying west of the ninety-eighth meridian and east of the 5,000-foot contour line, to be propagated at or within reasonable proximity to one or more of the existing field stations of the Department of Agriculture in such area, and seedlings and cuttings and seeds of such trees, shrubs, and vines to be distributed free of charge under such regulations as he may prescribe for experimental and demonstration purposes within such area.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 9, after the words "sum of," to strike out "$50,000" and insert "$35,000," so as to make the section read:

SEC. 2. That for carrying out the purposes of this act, including purchase of land and erection of buildings, there is hereby authorized to be appropriated the sum of $35,000, out of any money in the Treasury not otherwise appropriated, to be expended under the supervision of the Secretary of Agriculture.

Mr. KING. Mr. President, let that bill go over. I have an amendment I desire to offer to it.

The PRESIDING OFFICER. The bill will be passed over.

ACCEPTANCE OF DECORATIONS, ETC., BY OFFICERS OF NAVY AND MARINE CORPS

The bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered was announced as next in order.

Mr. BLEASE. Mr. President, I wish to offer an amendment to that bill, but I want to get some information from the Secretary of War first; and I will ask that it go over, not because I personally object to it but for the reason stated.

The PRESIDING OFFICER. The bill will be passed over.

Mr. REED of Pennsylvania. Mr. President, the Secretary of War has sent us the list which is embodied in my amendment, so that we have heard from him, and he is satisfied that the amendment should go in and the bill should pass. I should have told the Senator about that.

Mr. BLEASE. The only thing is that I want to put in, along with these officers, some American boys who have been ruled out because of an act of Congress which limits the time within which their cases should be considered and decided. I think they should have the same opportunity, at least, as the officers. I want the Secretary of War to give me a list of them and their names, so that I can offer an amendment to this bill enabling American boys who were cited to receive honors, along with the others, from their own Government or from any foreign government.

At present they are barred out by their own Government by an act of Congress limiting the time. Just a little amendment to this bill will give these American boys an opportunity to receive their dues from their own Government along with these officers.

This is a House bill, and a short delay will not affect the ultimate passage of the bill, because we can take it up and pass it at any time in just a minute.

This is not an objection. It is merely an effort to do justice to these American boys who have also been cited.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. BLEASE. Yes, sir.

Mr. REED of Pennsylvania. Would the Senator be willing to withhold his objection long enough to have the pending amendment adopted, and then let the bill go over?

Mr. BLEASE. That would not hurt anything.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The amendment offered by the Senator from Pennsylvania has been heretofore read.

The amendment was agreed to.

The CHIEF CLERK. Also, the Senator from Pennsylvania offers the following amendment:

On page 1, line 3, after the word "United States," insert "Army."

The amendment was agreed to.

Mr. REED of Pennsylvania. There is also an amendment in the title.

Mr. JONES. Mr. President, I desire to ask a question about this bill. We had a bill something like this up the other day, and we were assured that it covered all of these matters.

Mr. REED of Pennsylvania. Yes, Mr. President; this is the bill.

Mr. JONES. Oh, we did not pass that bill the other day?

Mr. REED of Pennsylvania. No; we did not pass it.

The PRESIDING OFFICER. The bill will be passed over.

BEAR RIVER MIGRATORY-BIRD REFUGE

The bill (S. 3194) to establish the Bear River migratory-bird refuge was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized to construct at Bear River Bay and vicinity, Utah, such dikes, ditches, spillways, buildings, and improvements as may be necessary, in his judgment, for the establishment of a suitable refuge and feeding and breeding grounds for migratory wild fowl; also to acquire by purchase, gift, or lease water rights and privately owned lands, including the improvements thereon, deemed necessary by him for the purpose, or, in lieu of purchase, to compensate any owner for any damage sustained by reason of the submergence of his lands.

SEC. 2. Such lands, when acquired in accordance with the provisions of this act, together with such lands of the United States as may be designated for the purpose by proclamations or Executive orders of the President, shall constitute the Bear River migratory-bird refuge and shall be maintained (a) as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and (b) to such extent as the Secretary of Agriculture may by regulations prescribe, as a refuge and breeding place for other wild birds, game and fur-bearing animals, and (c) to such extent as the Secretary of Commerce may by regulations prescribe as a refuge and breeding place for fish and other aquatic-animal life.

SEC. 3. No such area shall be acquired by the Secretary of Agriculture unless or until the Legislature of the State of Utah has consented to the acquisition of lands by the United States for use as a refuge for migratory wild fowl, and shall have provided for the use as a refuge for migratory wild fowl by the United States of any lands owned or controlled by the State in Bear River Bay, Utah, and vicinity, which the Secretary of Agriculture may deem necessary for such purposes, and which the Secretary of Agriculture is hereby authorized to accept on behalf of the United States; and, except in the case of a lease, no payment shall be made by the United States for any such area until title thereto is satisfactory to the Attorney General.

SEC. 4. The existence of a right-of-way easement or other reservation or exception in respect of such area shall not be a bar to its acquisition (1) if the Secretary of Agriculture determines that any such reservation or exception will in no manner interfere with the use of the area for the purposes of this act, or (2) if in the deed or other conveyance it is stipulated that any reservation or exception in respect of such area, in favor of the person from whom the United States receives title, shall be subject to regulations prescribed under authority of this act.

SEC. 5. No person shall, except in accordance with regulations prescribed by the Secretary of Agriculture in respect of wild birds, game animals, or fur-bearing animals, or by the Secretary of Commerce in respect of fish and other aquatic-animal life—

(a) Enter, use, or occupy the refuge for any purpose; or

(b) Disturb, injure, kill, or remove, or attempt to disturb, injure, kill, or remove any wild bird, game animal, fur-bearing animal, fish, or other aquatic-animal life on the refuge; or

(c) Remove from the refuge, or cut, burn, injure or destroy thereon any timber, grass, or other natural growth, or the nest or egg of any wild bird; or

(d) Injure or destroy any dike, ditch, dam, spillway, improvement, notice, sign board, fence, building, or other property of the United States thereon.

SEC. 6. Commercial fishing may be conducted in the waters of this refuge under regulation by the Secretary of Commerce.

SEC. 7. (a) Any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act, and any employee of the Department of Commerce so authorized by the Secretary of Commerce (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this act or of any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this act or regulations made pursuant thereto, and (3) shall have authority, with a search warrant issued by an officer or court of competent jurisdiction to make a search in accordance with the terms of such warrant. Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(b) All birds, animals, fish, or parts thereof captured, injured, or killed, and all timber, grass, and other natural growths, and nests and eggs of birds removed, and all implements or paraphernalia, including guns, traps, fishing equipment, and boats used or attempted to be used contrary to the provisions of this act or any regulation made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of Agriculture and the Secretary of Commerce may jointly by regulation prescribe.

(c) A report of the seizure shall be made to the United States attorney for the judicial district in which the seizure is made, for forfeiture either (1) upon conviction of the offender under section 10, or (2) by proceedings by libel in rem. Such libel proceedings shall conform as near as may be to civil suits in admiralty, except that either party may demand trial by jury upon any issue of fact when the value in controversy exceeds $20. In case of a jury trial the verdict of the jury shall have the same effect as the finding of the court upon the facts. Libel proceedings shall be at the suit and in the name of the United States. If such forfeiture proceedings are not instituted within a reasonable time, the United States attorney shall give notice thereof, and the custodian shall thereupon release the article seized.

SEC. 8. The Secretary of Agriculture and the Secretary of Commerce are authorized to make such expenditures for construction equipment, maintenance, repairs, and improvements, including necessary investigations, and expenditures for personal services and office expenses at the seat of government and elsewhere, and to employ such means as may be necessary to execute the functions imposed upon them by this act and as may be provided for by Congress from time to time.

SEC. 9. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be available until expended, the sum of $350,000, or so much thereof as may be necessary to effectuate the provisions of this act.

SEC. 10. Any person who shall violate or fail to comply with any provision of, or any regulation made pursuant to, this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or be imprisoned not more than six months, or both.

SEC. 11. As used in this act, the term "person" includes an individual, partnership, association, or corporation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2327) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

COMPENSATION OF REGISTERS OF LOCAL LAND OFFICES

The bill (S. 766) to fix the compensation of registers of local land offices, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 8, after the words "per annum," to insert "*Provided*, That the salary of the register of the Juneau land district, Alaska, shall be $3,600 per annum," so as to make the bill read:

Be it enacted, etc., That from and after the beginning of the next fiscal year the compensation of registers of local land offices shall be a salary of $1,000 per annum each and all fees and commissions now allowed by law to such registers, but the salary, fees, and commissions of such registers shall not exceed $3,600 each per annum: *Provided*, That the salary of the register of the Juneau land district, Alaska, shall be $3,600 per annum.

The amendment was agreed to.

Mr. KING. Mr. President, let the bill go over.

Mr. PHIPPS. Mr. President, will the Senator withhold his objection for a moment?

Mr. KING. Yes.

Mr. PHIPPS. The purpose of this bill is to allow registers to have fair compensation for their services. We have combined the offices of register and receiver in all cases, and have combined the land offices themselves, so that in Colorado, for instance, we now have 2 offices where previously we had 8 or 10. The work naturally is more heavy than heretofore; the register has more filings to pass upon; he has more people to see, and more clerks to handle. The minimum salary rate is fixed at $1,000, but if the fees of the office justify it that compensation is raised by a percentage until it reaches a maximum of $3,600 a year. The office must earn it, or it will not be paid. That, of course, is only a percentage of the fees, not the total fees received. It seems to us that it is a fair provision. It only puts those Government officials in the position they should occupy, and enables us to get men who are properly qualified to handle the important affairs of the office of register.

The PRESIDING OFFICER. Is there objection to the consideration of the bill? The Chair hears none. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERSTATE COMMERCE IN COTTONSEED OIL

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. COPELAND. Mr. President, reserving the right to object, the other day when this bill was up I called attention to the fact that certain persons in my city have objected to the passage of the bill; and I have received a long letter in regard to it from the president of the New York Produce Exchange. Since all of these bills are considered under the five-minute rule, and this is such a long letter, I ask that it be printed at this point with my remarks, in order that the objections to the bill may be understood. Then I shall ask that the bill go over. I have had a very pleasant talk with the Senator from Texas [Mr. MAYFIELD], and I hope the next time the matter comes up it may be disposed of on its merits.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

NEW YORK PRODUCE EXCHANGE,
New York, March 2, 1928.

Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.

DEAR SIR: With reference to Senate bill 1414, a bill for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, first allow me to inform you that there are just two exchanges for trading in cottonseed-oil futures. One, the New York Produce Exchange, where cottonseed oil has been traded in over a period of some 30 years, and the other, the New Orleans Cotton Exchange, where arrangements were made some two years ago to trade in cottonseed-oil futures.

The New York market has, with the exception of an insignificantly small minority, the hearty support of the entire cottonseed-oil industry, and has made its rules and regulations in conformity with the Interstate Cottonseed Crushers' Association, an association of the people who are engaged in the cottonseed-oil industry in this country, and in some instances in foreign countries, an association to promote the best interests of all the people engaged in the cottonseed-oil industry with equity and justice to all.

While no specific reference to either the New York or New Orleans cottonseed-oil markets is made in the bill, a comparison of both markets was made during the hearing on the original bill S. 4208 before the Committee on Agriculture and Forestry during May, 1926, so, of necessity, I must make the same comparison in placing the facts before you.

Of the New Orleans market very little is known, as the New Orleans Exchange does not allow official broadcasting of the amount of contracts traded in. The Senate record of the testimony before the Committee on Agriculture and Forestry in May, 1926, shows, however, that the few proponents of this bill admitted that the trading in cottonseed-oil futures on the New Orleans Exchange is extremely limited. One thing is certain, however; the New Orleans future market does not conform to the rules and regulations of the Interstate Cottonseed Crushers' Association, the governing body of the entire industry. The New Orleans market has established two grades of oil not recognized under the rules of the interstate association nor the industry generally.

The present bill is instigated by Mr. Woodall, of Hillsboro, Tex., through Senator MAYFIELD, and the only other support is from Mr. T. S. Kenan, of Atlanta, Ga., and a few others, who are desirous of having a future market at New Orleans, and who in their desire to have such a market are giving their support to this bill, thinking that by so doing they will bring about regulations of the New York Produce Exchange market that will drive the trade away from New York and bring it to New Orleans. It seems very plain that this insignificant minority not only have very little chance of accomplishing such a thing, with New Orleans so irregular in its methods, but if the bill should go through and the New York market be changed to conform to New Orleans, then the New York market will fade into insignificance along with New Orleans, and finally there will be no future market, no

protection for the industry, and in turn the farmer will not get full price for his cottonseed, as the miller must of necessity, in a case of this kind, buy his seed at a low figure with no future market to protect him.

Cottonseed oil is a manufactured product, not agricultural such as cotton, wheat, corn. The first stage of manufacture is crude cottonseed oil crushed from cottonseed. The second stage of manufacture is refined cottonseed oil, such as is traded in on the futures exchange. From then on the refined oil is further manufactured into various finished edible products to be passed on to the consuming public. The refined cottonseed oil as traded in on the New York Produce Exchange is a manufactured product in the second stage of manufacture. Governmental regulations of cottonseed oil, a manufactured product, derived from cottonseed, would be equivalent to an attempt at governmental regulation of flour and bread, which are articles manufactured from wheat, but, in any event, why should a manufactured product such as refined cottonseed oil be regulated by the Department of Agriculture? Why does not the bill come up before the Committee on Commerce? It seems to be a very irregular proceeding, and under the circumstances is it proper for the bill to come up before Congress? Should not the bill be recalled and referred to the proper committee for further hearing?

To familiarize you in as brief a way as possible with the facts in the case, allow me to inform you of some of the most important parts of the congressional record of the hearings before the Committee on Agriculture and Forestry in May, 1926:

Trading in cottonseed-oil futures on the New York Produce Exchange started about 30 years ago in a small way, until trading averaged some 3,360,000 barrels per year for the six years prior to the World War. For the past eight years since the war trading on the New York Produce Exchange averaged some 4,462,000 barrels per year. During the year 1927, which is after the hearing of the first bill (S. 4208) to regulate trading in cottonseed-oil futures, the trading on the New York Produce Exchange reached a total of 5,184,122 barrels. The two months of this year are record breakers, amounting to 1,288,700 barrels, and if the pace is maintained this year may see trading totaling between 7,000,000 and 8,000,000 barrels. This is positive manifestation that the New York Produce Exchange cottonseed-oil market is satisfactory and needs no change.

In May, 1924, the Interstate Cottonseed Crushers' Association appointed a committee headed by Mr. Woodall, of Hillsboro, Tex., to confer with a committee of the New York Produce Exchange to investigate trading conditions on the New York Produce Exchange in cottonseed oil and make recommendations for improvements, if possible, with a view to increasing trading in cottonseed-oil futures. The committees met and investigated the matter fully but could make no recommendations that would improve matters. After this meeting the New York Produce Exchange itself made further investigation. A committee was appointed and some 1,200 letters were sent to members of the industry throughout the country asking for suggestions with a view to increasing trading in cottonseed-oil futures. Of about 900 replies received, 75 per cent favored no change, 10 per cent thought some changes in trading regulations might be advantageous but did not know what to suggest, and the remaining 15 per cent made various suggestions which upon investigation proved impracticable. Having, therefore, thoroughly investigated possible changes in the New York Produce Exchange trading regulations and with the vast majority in favor of present rules and regulations, there was nothing to do but continue trading as per existing rules.

The wisdom of the vast majority has been proven by the leaps and bounds by which trading has increased since this agitation was started, whereas the New Orleans market is still a very limited affair. The New Orleans contract is only 30,000 pounds, whereas the New York Produce Exchange contract is equal to 40,000 pounds, and yet, on February 6, last, some 93,000 barrels of futures contracts were traded in on the New York Produce Exchange for that one day. In the congressional record it was estimated by a New Orleans proponent of the bill that an equivalent of only about 75,000 barrels were traded in on the New Orleans Exchange in one entire year. Does a market that is manifestly in such a healthy condition as the New York Produce Exchange cottonseed-oil market need changing and regulating? To the contrary, the market that is narrow and stagnant, such as the New Orleans market, is manifestly in need of change and regulation, and this we understand is not the purpose of the present bill. It is my understanding that the trading in the New Orleans cottonseed-oil market is so limited that there are many times when the bid and asked prices for options are fixed by a committee, which, to say the least, is not an indication of a free and open market.

About a year after the investigation into the advisability of making some changes in the New York Produce Exchange cottonseed-oil market facilities were arranged on the New Orleans Cotton Exchange for trading in cottonseed-oil futures. Arrangements were made for the delivery of three different grades of oil on contracts. Two of these grades were not and still are not officially recognized and made part of the Interstate Cottonseed Crushers' Association, the governing body of the entire industry. Besides this, loose delivery was arranged for and the contract quantity made 30,000 pounds, or just one-half the amount that it would take to fill an empty tank car. This is a further departure from the customs of the trade and the regulations of the Interstate Cottonseed Crushers' Association. The New Orleans market will always be limited in scope because of the undesirable restrictions not in conformity with the requirements of the cottonseed-oil industry and it had not been inaugurated but a few months when the unmistakable signs of its failure became apparent to its few adherents, and then along came Mr. Woodall again with a new idea that the New York Produce Exchange market was getting along too well, and perhaps if legislation could be effected to give the Government power to regulate trading in futures, then the New York Produce Exchange market would perhaps be changed to conform to the New Orleans market. This idea is admitted by Senator MAYFIELD in the congressional record of the hearings before the Committee on Agriculture and Forestry, bill S. 4208, May 18, 26, and 27, 1926, page 65. With the New Orleans market and the New York Produce Exchange alike, Mr. Woodall probably concluded New Orleans would at least get a larger share of the business.

The bill came up for hearing and the testimony was a constant comparison of the New York Produce Exchange and New Orleans cottonseed-oil markets. The proponents of the bill tried to show that the grade of oil traded in and the barreled delivery on the New York Produce Exchange were not satisfactory to the trade and that the New Orleans three-grade delivery and also half-tank loose delivery were what the trade wanted.

The New York Produce Exchange committee proved conclusively that the grade of oil traded in on the New York Produce Exchange was the most equitable to both buyer and seller, a grade that could be produced all year round, regardless of whether the crop of cotton seed from which it was manufactured was poor in quality or good in quality. They further proved that the New Orleans grades, because of the requirements for bleachable properties, could not at all times be available due to the properties of the seed from which these grades would have to be manufactured.

The New York Produce Exchange cottonseed-oil market, like any futures market, is essentially a hedging market which enables those marketing the product to avoid undue speculative risks. But necessary rules and regulations exist so that deliveries can be made and deliveries are made from time to time, and it has been found through experience that delivery in barrels is the best suited to meet the requirements of the majority engaged in the industry. The New York Produce Exchange committee submitted overwhelming proof that the barreled delivery was most used in the distribution throughout this and other countries of refined cottonseed oil in its various forms of manufacture. Many connected with the industry have no track facilities for taking loose delivery in tank cars. Storage space for barreled oil can be found in any city, but storage facilities for loose delivery is very limited. Oil stored loose would require tank cars to move the oil in and out of storage, and tank cars would have to be filled to capacity each time a movement of oil took place. Not so in case of barreled delivery. Any part of a barreled delivery could be moved at any time out of store by truck or lighter or railroad car, so that the barreled delivery was most equitable to all. If the time comes when loose delivery becomes most equitable for the entire industry, then the New York Produce Exchange will, of necessity, have to change its contract, and the New York Produce Exchange, in that event, would be the first to advocate the change.

The bill S. 4208 was never reported out of committee during the 1926 session of Congress. Senator NORRIS was chairman of the committee at that time, but since then changes have taken place, Senator MCNARY having been named chairman. The bill was again presented in December, 1927, under the number S. 1414. When the New York Produce Exchange became aware that this bill S. 1414 was presented, the produce exchange committee wrote to Senator NORRIS, the former chairman of the Committee on Agriculture and Forestry, at two different times requesting a hearing. The committee did not know that Senator NORRIS was no longer the chairman. However, the secretary of Senator NORRIS advised that our letters had been referred to Senator MCNARY, the new chairman, for his disposition, but in spite of that the New York Produce Exchange committee received no reply and was not given a hearing and the bill was reported out of the committee to the Senate.

The New York Produce Exchange and the cottonseed oil industry are not in favor of the bill for the following reasons:

First The bill is said to be for the purpose of regulating cottonseed-oil future exchanges, but it is in fact for the purpose of changing the New York Produce Exchange cottonseed oil market to conform with the New Orleans cottonseed-oil market. Senator MAYFIELD so stated in the congressional record of the hearings of May, 1926.

Second. The New York Produce Exchange cottonseed-oil market is subservient to the desires of the majority of those engaged in the industry, and its rules in respect to quality and delivery are identical with the rules and regulations of the Interstate Cottonseed Crushers' Association, the governing body of the industry, with headquarters at Dallas, Tex., and consequently needs no outside regulations.

Third. The industry having a governing organization, known as the Interstate Cottonseed Crushers' Association, which is truly representative of the entire industry and functioning in all respects, it is merely placing additional burdens and expense on the country to have unnecessary governmental regulation.

Fourth. The bill has not been properly presented, as cottonseed oil is a manufactured product and should consequently be under the control, if at all, of the Department of Commerce and not the Department of Agriculture.

The New Orleans cottonseed oil futures market was an attempt on the part of a very small disgruntled minority to have a market to conform with their ideas of what the industry should have, although the vast majority had already signified their approval of the New York Produce Exchange market. The New Orleans market has been open for over two years and yet it is not patronized except in a very limited way, and it certainly seems plausible that if the New Orleans market met the requirements of the trade the trade would go there. Realizing their failure, they have brought about this bill, and the real object of the bill, although it is not so stated in this bill, is to bring about a change in the New York Produce Exchange market to conform with the New Orleans cottonseed oil market, which is not wanted by the industry at large.

At your convenience, either in Washington or in New York City, the committee of the New York Produce Exchange would be very pleased to meet with you and discuss the matter further.

Yours respectfully,

WILLIAM BEATTY, *President.*

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

DOUBLE PENSION FOR DISABILITY FROM AVIATION DUTY

The bill (S. 3198) to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read "Army, Navy, and Marine Corps," was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, be amended by inserting the word "Army," so as to read: "In all cases where an officer or enlisted man of the Army, Navy, or Marine Corps dies, or where an enlisted man of the Army, Navy, or Marine Corps is disabled, by reason of any injury received or disease contracted in line of duty, the result of an aviation accident received while employed in actual flying in or in handling aircraft, the amount of pension allowed shall be double that authorized to be paid should death or the disability have occurred by reason of an injury received or disease contracted in line of duty not the result of an aviation accident."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1131) to encourage and promote the production of livestock in connection with irrigated lands in the State of Wyoming was announced as next in order.

Mr. KENDRICK. Mr. President, I am very anxious to have the Senate consider this bill; but several Senators have asked me to delay action on it until they can decide whether or not they want the provisions of the bill to apply to their States, so I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1940) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. JONES. Mr. President, can the Senator give me any idea as to how long a time he thinks he might take on this bill? I should like to move to take up the bill.

Mr. SMOOT. I can not say the length of time.

Mr. JONES. Does the Senator think it would be 15 or 20 minutes?

Mr. SMOOT. No; it could not be disposed of in that time.

Mr. KING. Fifteen or 20 hours?

Mr. SMOOT. It certainly can not be disposed of in five minutes.

Mr. JONES. As there is only a quarter of an hour now before 2 o'clock, the end of the morning hour, I shall not vote to take up the bill notwithstanding the objection to-day.

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety was announced as next in order.

Mr. PHIPPS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3023) to revise the boundary of a portion of the Hawaii National Park, on the island of Hawaii, in the Territory of Hawaii, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 445) authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of lands within the State of Montana for grazing and range development, and for other purposes, was announced as next in order.

Mr. KING. I should like an explanation of that measure. I want to know what effect it would have.

Mr. SMOOT. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

ISOLATED TRACTS OF PUBLIC LAND

The bill (H. R. 6684) to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1956) for the relief of Levi R. Whitted was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands, and fixing salaries of certain officials, was announced as next in order.

Mr. WILLIS. Under an arrangement already made that bill has gone over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2387) to authorize appropriations for contingencies of the Army was announced as next in order, and was read.

Mr. KING. Mr. President, that is a very important measure, giving this authority to spend without any limitation. I would regard it as very unwise unless there was some very good reason for departing from what seems to me to be a rational and a safe policy.

Mr. REED of Pennsylvania. Mr. President, I suggest that we let the bill go over until we can get some further information about it.

The PRESIDING OFFICER. The bill will be passed over.

SALE OF LAND TO PENNSYLVANIA RAILROAD CO.

The bill (H. R. 5476) to authorize the Secretary of War to sell to the Pennsylvania Railroad Co. a tract of land situate in the city of Philadelphia and State of Pennsylvania was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, when this bill was last up the Senator from Washington [Mr. JONES] asked that it go over in order to enable us to find out what the attitude of the Shipping Board was toward it, he thinking that it might interfere with their use of that terminal. I am advised by General Dalton, of the Shipping Board, that it will not in the least interfere with their use of the Philadelphia terminal, and they have no objection whatever to the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF NATIONAL DEFENSE ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1823) to amend section 2 of the act approved June 6, 1924 (43 Stat. L. 470), entitled "An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes," and it was read as amended, as follows:

Be it enacted, etc., That section 2 of the act approved June 6, 1924 (43 Stat. L. 470), be, and the same is hereby, amended by adding at the end thereof the following:

"Except in the detail of officers as members of the General Staff Corps, the President is further authorized, when in his judgment the interests of the service demand such action, to except any officer of any corps, department, arm, or branch of the Army of the United States from the provisions of section 4c of the national defense act, as

amended, relating to duty with troops of one or more of the combatant arms: *Provided*, That not more than 5 per cent of the total commissioned strength of the Army shall be so excepted at any one time: *And provided further*, That nothing in this act shall be so construed as to repeal or modify the act of June 6, 1924, as set forth in section 2, page 470, part 1, volume 43, Public Laws of the United States, Sixty-eighth Congress."

Mr. LA FOLLETTE. Mr. President, will not the Senator from Pennsylvania explain this bill?

Mr. REED of Pennsylvania. Yes, Mr. President. It is a bill to amend the Manchu law without at the same time interfering with the original intention of the Manchu law, to wit, that no General Staff officers shall be permitted to serve for a long period without going back to troops. The committee is firmly of the belief that that policy is wise, that General Staff officers ought to be required to serve with troops periodically, once every four years, as the present law requires. But this is to allow some specialists, like radio experimenters, the graves registration officer in Europe, and some chemists in laboratories, to continue their special work without going back to troops. That is the whole effect of the bill.

Mr. KING. Mr. President, may I suggest to the Senator that the Senator from Tennessee [Mr. MCKELLAR] challenged attention to this bill when it was up before and expressed a great deal of dubiety, as I recall, as to wisdom of it. He thought it would be the entering wedge to break down the requirement now that officers shall spend a certain part of their time with troops, and he was afraid it would be taken advantage of by men who get into these positions in and about Washington, or in favored places, and that then would remain there indefinitely and finally lose touch entirely with the Army, with the technique of the Army, and with the military activities of the Army.

Mr. REED of Pennsylvania. With that thought we are in full sympathy. The staff officers here in Washington ought to go back to troops, and I think neither the department nor the committee would ever recommend or report out any such legislation as would destroy that rule.

Mr. HAYDEN. What is the total commissioned strength of the Army?

Mr. REED of Pennsylvania. Twelve thousand officers.

Mr. HAYDEN. This would apply to 600?

Mr. REED of Pennsylvania. It would apply to a maximum of 600. It would not affect many officers of the line. It would principally affect the specialists, like officers in the Chemical Warfare Service, in the Signal Corps, and specialists like that. There are very few enlisted men in those branches, and a very large proportion of officers.

Mr. LA FOLLETTE. Mr. President, did the committee consider endeavoring to frame language which would be more specific instead of leaving it in such general terms as it appears to be in from a hasty reading of the bill?

Mr. REED of Pennsylvania. We left in the exception on page 1, line 6, so as not to apply to the General Staff Corps. We insisted on that. Then, as an amendment, we put in the 5 per cent limitation.

Mr. LA FOLLETTE. I ask whether it would not be possible to frame language that would specifically cover the class of officers the Senator believes should be relieved from service with the troops rather than leaving it in general terms and dependent upon the discretion of the department to carry out what I understand to be the sentiment of the committee from the Senator's statement.

Mr. REED of Pennsylvania. I doubt whether it would be possible to put in in specific terms the variety of particular scientific officers whom this would reach.

The PRESIDING OFFICER. This bill was considered on March 2, and certain amendments were made. The question now is, Shall the bill be reported to the Senate?

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1830) to authorize the Secretary of War to withhold pay or allowances of any person in the military service to cover indebtedness due the United States or its military agencies or instrumentalities was announced as next in order.

Mr. REED of Pennsylvania. I ask that the bill go over. An amendment has been suggested by the Senator from Washington, I think, with propriety.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1831) to authorize the Secretary of War and the Secretary of the Navy to class as secret certain material, apparatus, or equipment for military and naval use, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1838) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. I ask that that go over, on request of the Senator from Wisconsin [Mr. BLAINE].

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3092) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans was announced as next in order.

Mr. DILL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

NATIONAL ARCHIVES

The bill (S. 1169) to create an establishment to be known as the national archives was announced as next in order.

Mr. SMOOT. I ask that that bill be referred back to the Committee on Library for further consideration.

The PRESIDING OFFICER. Without objection, this bill will be taken from the calendar and recommitted to the Committee on the Library.

AMENDMENT OF JUDICIAL CODE

The bill (H. R. 8725) to amend section 224 of the Judicial Code was announced as next in order.

Mr. BRATTON. Mr. President, I should like to have an explanation of that measure. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

OLIVER C. SELL

The bill (S. 2966) for the relief of Oliver C. Sell was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 5, to strike out the word "Snell" and to insert the word "Sell," so as to make the bill read:

Be it enacted, etc., That the administration of any laws conferring rights, privileges, or benefits, upon honorably discharged soldiers, Oliver C. Sell, recruiting officer, and in Company B, First Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been enrolled in the military service of the United States on July 24, 1898, instead of August 1, 1898, as shown on the official records of the War Department.

Mr. KING. Mr. President, will not the Senator give an explanation of that measure?

Mr. ROBINSON of Indiana. Mr. President, Oliver C. Sell, as is shown by the affidavits, was in a temporary detail, and went to work with a recruiting officer on July 24, 1898, instead of August 1. He continued in his service there until August 1, and then went on the pay roll, and continued in the service until October 25.

If his service is dated from August 1 to October 25, he does not get credit for 90 days. If he is given credit from the time he actually began service, July 24, until October 25, he gets credit for 91 days, which is the amount of service he should be given credit for. All the bill undertakes to do is to give this soldier credit for his actual service.

Mr. SMOOT. Mr. President, how did it happen that he served that length of time without any notice being taken of it in the records?

Mr. ROBINSON of Indiana. It was only one week.

Mr. SMOOT. That one week was what has made this legislation necessary.

Mr. BROOKHART. Mr. President, I think I can explain that to the Senator.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. ROBINSON of Indiana. I yield to the Senator.

Mr. BROOKHART. This man reported and was enlisted by a recruiting officer on the 24th of July, I believe it was; he was assigned to duty and went into service. That was at a station away from the regimental headquarters. Then, seven days later, after performing seven days of duty, he returned to regimental headquarters, and his enlistment papers were dated as of that date. There was an error in the date; the papers should have been dated back to the 24th of July. The colonel of the regiment and all the other officers connected with it corroborate that statement, and so I think there is no doubt about the truth of the statement.

Mr. ROBINSON of Indiana. There is also in the report an affidavit of the recruiting officer as to the truth of that statement.

Mr. SMOOT. If the statement outlines the facts, then of course the man is entitled to the relief.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNLAWFUL RESTRAINTS AND MONOPOLIES

The bill (H. R. 6491) to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, was announced as next in order.

Mr. EDGE. Mr. President, this bill was passed over at the last call of the calendar at the request of the Senator from Wisconsin [Mr. LA FOLLETTE]. I understand that he has withdrawn his objection.

I may say just a brief word. The bill simply changes the language of existing law in connection with the power of the Federal Reserve Board in allowing duplicate director. It changes the existing law, which now reads, "Provided such banks were not in substantial competition," so as to read, "Provided in their judgment it is not incompatible with the public interest."

It is a mere matter of a change in phraseology to make it possible for the board to act with judgment.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RULES IN COMMON-LAW ACTIONS

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

The PRESIDING OFFICER. That bill has been reported adversely.

Mr. BRATTON. I ask that it go over without prejudice.

The PRESIDING OFFICER. The bill will be passed over.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 59) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

LIEUT. ROBERT STANLEY ROBERTSON, JR.

The bill (S. 1377) for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy, was announced as next in order.

Mr. SMOOT. I would like to have an explanation of the bill.

Mr. SWANSON. Mr. President, the officer named in this bill has been on active service for eight or nine years, and I expect he will be continued on active service, as he is very valuable to the Navy. During the war he went abroad as a lieutenant commander. We passed a law under which the temporary rank of lieutenant commander expired on a certain date. This officer was reduced to the rank he had held, and has been in the service here in the department ever since.

It does not seem to me to be just, when a man has actually served as a lieutenant commander, not to allow him to be retired with the rank of lieutenant commander. It will increase his pay $1,100. The department did not recommend it, because they never recommend any special bill. It is left to Congress to determine whether a bill shall be passed specially or not in such a case.

Mr. SMOOT. I shall object to the consideration of the bill.

Mr. HALE. Mr. President, this is the only officer on the retired list now on active duty who does not have the rank he held during the war. It is an individual case, and I hope the Senator will not object.

Mr. SMOOT. Mr. President, this would only be a precedent established. We do not know where it would end.

Mr. HALE. I have explained that this is the only case of the kind.

Mr. SMOOT. But I object to the personal case.

The PRESIDING OFFICER. The bill goes over, under objection.

CHARLES R. SIES

The bill (S. 151) for the relief of Charles R. Sies was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LIEUT. HENRY C. WEBER

The bill (S. 2442) for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to place Lieut. Henry C. Weber, Medical Corps, United States Navy, in the position on the list of lieutenant commanders in the Medical Corps of the United States Navy which he would have held had he been commissioned in the said Medical Corps of the United States Navy as of December 10, 1918: *Provided*, That the said Lieutenant Weber, Medical Corps, shall first establish, in accordance with existing provisions of law, his physical, mental, moral, and professional qualifications to perform the duties of a lieutenant commander in the Medical Corps of the United States Navy: *Provided further*, That no back pay or allowances shall accrue by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2733) to amend the military record of Joseph Cunningham was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3434) for the control of floods on the Mississippi River from the Head of Passes to Cairo, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

AGRICULTURAL INSURANCE

The resolution (S. Res. 51) requesting the Secretary of Agriculture to report to the Senate at the beginning of the second regular session of the Seventieth Congress his views as to whether the insurance of the farmer by the Federal Government against droughts, floods, and storms would be consistent with sound governmental and economic policy was announced as next in order.

Mr. KING. I ask that that go over.

Mr. BRUCE. Mr. President, I hope the Senator will not object to that. It simply asks for a report from the Secretary of Agriculture on this important subject. It does not carry any appropriation.

Mr. KING. I would as soon have the judgment of some insurance man, or the Senator from Maryland, and I do not say that by way of disparaging the Secretary of Agriculture, who is a very able man, and whose friendship I have the honor to have. It is not the function of the Federal Government to make investigations and report upon these questions as to the advisability of insurance. We might ask the advice of the Treasury Department as to the advisability of life insurance or accident insurance.

Mr. BRUCE. The Secretary of Agriculture is more conversant than any ordinary individual would be, of course, with the conditions called for.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, Senate Joint Resolution 46.

Mr. CURTIS. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that we complete the consideration of unobjected bills on the calendar. It will take only about 10 minutes.

Mr. ROBINSON of Arkansas. Mr. President, I have no objection to that request. A number of Senators on this side of the Chamber have asked me to concur in it.

The PRESIDING OFFICER. Without objection, the call of the calendar for unobjected cases will be continued. The Senator from Utah [Mr. KING] has asked that Senate Resolution 51 go over.

Mr. McNARY. Mr. President, I would like very much, in the interest of this important subject matter, if the objection of the Senator from Utah might be removed. The resolution simply asks the Secretary of Agriculture to collect data and statistics in his office and report to the Congress concerning his judgment with reference to the practicability of crop insurance. It has nothing to do with the making of rates or premiums. It simply gives Congress the benefit of data and information which is badly needed and upon the basis of which we might determine future legislation and whether we should

enter that field. It is a question whether we should supply that data to mutual companies and other insurances companies for their information. I think no one would suggest that I have any desire to project the Government into this field, but there are certain data, and those data should be had for the benefit of Congress to enlighten us and enable us to determine whether we should attempt to invade that field for the purpose of legislation. I think, in the interest of that great industry, it would be very profitable if the Senator would withhold his objection.

Mr. KING. I have no objection to the Department of Agriculture submitting, for the benefit of any other department of the Government or of the Congress, any data that it has.

Mr. McNARY. That is all the resolution requires.

Mr. KING. But I fancied that there was some connection between the resolution and a bill pending, the object of which is to have the Government of the United States go into the insurance business.

Mr. McNARY. Oh, no. I must not allow that statement to pass without explanation. The bill pending is one which I myself have introduced after several years of investigation. It does not at all conceive that the Government shall ever go into that business at all. Its whole purpose is to assemble data now in the files of the Department of Agriculture, to make new investigations of county-aid work, home demonstrations, and to make further investigation in the field, other research, a further study of some of the extension work done by agricultural colleges, and after that data shall have been secured that it shall be supplied to those interested in crop insurance. There is no intimation in it, and, indeed, anyone reading the bill will see clearly that in nowise is the Government ever going to engage in that activity.

Mr. KING. I am very glad to receive the assurance of my able friend, and with his very illuminating and very persuasive statement I withdraw my objection to the consideration of the resolution offered by the Senator from Maryland.

Mr. McNARY. I feel complimented.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Agriculture with amendments, on page 1, line 5, after the word "floods," to strike out the word "and," and in the same line, after the word "storms," to insert the words "and other hazards beyond his control," so as to make the resolution read:

Resolved, That the Secretary of Agriculture is hereby requested to report to the Senate at the beginning of the second regular session of the Seventieth Congress his views as to whether the insurance of the farmer by the Federal Government against droughts, floods, storms, and other hazards beyond his control would be consistent with sound governmental and economic policy; and if so, under what conditions such insurance should be issued.

The amendments were agreed to.

The resolution as amended was agreed to.

REREFERENCE OF BILL

Mr. LA FOLLETTE. Mr. President, I have conferred with the senior Senator from New Mexico [Mr. BRATTON] in regard to Calendar No. 308, the bill (S. 1941) to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico, and in conformity with the understanding which I reached with that Senator, I request that the bill be rereferred to the Committee on Indian Affairs.

The PRESIDING OFFICER. Without objection, the bill will be recommitted to the Committee on Indian Affairs.

AIR CORPS SITE, WRIGHT FIELD, DAYTON, OHIO

The bill (H. R. 7008) to authorize appropriations for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $900,000 to be expended for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and the construction and installation thereon of the technical buildings and utilities and appurtenances as may be necessary.

Mr. KING. Mr. President, I would like to have an explanation of the bill. I have received many complaints, first, in regard to the exchange or rather the sale of the field which the Government owns and upon which we have spent large sums of money, running into the millions. Some letters suggest that there is a real-estate speculation involved and that it is to the disadvantage of the Government. Others insist that it is not an appropriate place for the establishment of a field for experimental purposes, but that it ought to be nearer the coast, nearer Bolling Field, or some of the navy yards. I shall be very glad to have an explanation.

Mr. REED of Pennsylvania. Mr. President, at Dayton we had, during the war time, established a field on land which was rented in part from the General Motors Co. and in part from other owners. That lease has expired. The field is much too small, because it extends only north and south. Its greatest dimension is north and south and the prevailing winds are east and west. In acreage it is also much too small. For that reason the citizens of Dayton felt, and the Air Corps feel also, that it is desirable to have a larger field where they could have a take-off in both directions. The citizens of Dayton raised a fund and bought this tract of land now called Wright Field. It did not cost the Government of the United States anything.

On that field we have spent, up to the present year, $1,800,000, and the Army appropriation bill, as it passed both House and Senate this year, carried a further item of $300,000 to carry on the work. The original estimate was $3,000,000 to complete the construction at the new field. Of that amount $2,100,000, as I said, has either been spent or is authorized to be spent in the coming year. The Air Corps came to our committee and asked that we increase the amount of $900,000 by about $250,000, but the committee told them that there had been no cost in construction since the original estimate was made and that they must stay within the original $3,000,000. After further study of their figures they said they believe they can do it. The $900,000 would not be appropriated this year, but it is simply an authorization for next year's appropriation, and will enable them to complete the boiler house, which is now a temporary shack and considerable of a fire risk, and to complete the storehouses in which much valuable material is stored and which is always in danger of fire. For that reason the committee thought it well to give them the amount of the original estimate, which we refused to increase.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1731) to provide for the more complete development of vocational education in the several States was announced as next in order.

Mr. KING. Let the bill go over. I have several amendments suggested by persons communicating with me, and I am not ready to offer them now. I did not expect that the bill would be reached to-day.

Mr. McNARY. Very well. I do not want to hasten the Senator unduly, but perhaps within a week he can have his amendments ready?

Mr. KING. I shall have them ready within two or three days.

Mr. McNARY. It is a very important measure, and the Senator from Georgia [Mr. GEORGE] is anxious to have it disposed of.

Mr. KING. I shall call the attention of the Senator to the amendments when I have them ready.

The PRESIDING OFFICER. Under objection, the bill goes over.

ALABAMA, ARKANSAS, AND OHIO BRIDGE BILLS

The following bridge bills were severally considered as in Committee of the Whole, reported to the Senate without amendments, ordered to a third reading, read the third time, and passed:

H. R. 9484. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Aliceville on the Gainesville-Aliceville road in Pickens County, Ala.;

H. R. 8899. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Epes, Ala.;

H. R. 8900. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River near Gainesville on the Gainesville-Eutaw road between Sumter and Green Counties, Ala.;

H. R. 8926. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland, Ark.;

H. R. 9019. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at or near Calion, Ark.;

H. R. 9063. An act to extend the times for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala.;

H. R. 9204. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Success, Ark.; and

H. R. 9339. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Warren, Trumbull County, Ohio.

RED RIVER BRIDGE, ARKANSAS

Mr. CARAWAY. Mr. President, Calendar No. 473, the bill (H. R. 8926) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland, Ark., was passed a few moments ago. The Senate recently passed a bill containing authorization for the construction of the bridge, which differs very materially from the House bill to which I have referred. There is to be a conference between representatives of the highway department and members of the House committee with reference to it. I ask, therefore, unanimous consent that the votes by which the bill was ordered to a third reading and passed may be reconsidered, that the bill may be restored to the calendar, and that it may go over.

The PRESIDING OFFICER. Without objection, it is so ordered. House bill 8926 is restored to the calendar and is passed over for future consideration.

LIEUT. CHARLES THOMAS WOOTEN

The bill (S. 1955) for the relief of Lieut. Charles Thomas Wooten, United States Navy, was considered as in Committee of the Whole. The bill had been reported from the Committee on Naval Affairs with an amendment, in line 5, to strike out "$718.25" and insert in lieu thereof "$518.25," so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized to settle the claim of Lieut. Charles Thomas Wooten, United States Navy, in the sum of $518,25 for medical, hospital, and other expenses incident to an emergency operation upon the said Lieutenant Wooten on May 23, 1924.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF SECTION 1440, REVISED STATUTES

The bill (S. 2410) to amend section 1440 of the Revised Statutes of the United States was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 1440 of the Revised Statutes of the United States be amended by adding at the end thereof the following new sentence: "*Provided, however*, That the foregoing provision shall not apply to any officer of the Navy on the retired list."

Mr. ROBINSON of Arkansas. Mr. President, what is the effect of the provision?

Mr. REED of Pennsylvania. It is a matter really desired by the State Department. Section 1440 of the Revised Statutes provided that if any officer of the Navy accepted an appointment in the Diplomatic Service he should automatically be taken from the Navy list and be considered as having been discharged. It was not thought at that time by anybody who had to do with the matter that it would apply to retired officers. In fact, it was customary on occasion, when they could find suitable retired officers, to appoint them in the Diplomatic Service, and I could give a number of illustrations of distinguished diplomats who are on the retired list. However, the Comptroller General has ruled that the statute applies to the retired list as well and that no retired officer can be appointed to such places. The bill would simply correct that condition and allow a retired officer to be available, as is any other citizen. It does not apply to many officers. Very few of them are suited for the work.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MOUNT VERNON-ARLINGTON MEMORIAL BRIDGE HIGHWAY

The bill (S. 1369) to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge, across the Potomac River at Washington, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington (hereinafter referred to as the commission), created by Public Resolution No. 38, approved December 2, 1924, be, and the same is hereby, authorized and directed to take such steps as may be necessary to construct a suitable memorial highway to connect Mount Vernon, the home and burial place of George Washington, in the State of Virginia, with the south end of the Arlington Memorial Bridge, now being constructed across the Potomac River at the city of Washington, D. C., acting through and by utilizing the services of the United States Department of Agriculture.

SEC. 2. That the Secretary of Agriculture is hereby authorized and directed to cooperate with said commission in carrying out the provisions of this act. He shall cause to be made such surveys as may be deemed necessary of the route, or routes, between the points named in section 1 hereof. The said commission shall determine the route on which said highway shall be constructed. The Secretary of Agriculture shall cause to be prepared such plans, specifications, and estimates for the construction of said highway as may be necessary, which shall include provision for the planting of shade trees and shrubbery and for such other landscape treatment, parking, and ornamental structures as he may prescribe, such plans and specifications to be subject to approval by the commission. He shall advertise for bids and enter into contracts for and supervise the work of constructing said highway.

SEC. 3. That the highway authorized to be constructed under the provisions of this act shall have a right of way of such minimum width as the commission shall determine, and shall be constructed only of such durable type of surfacing as will adequately meet the present and probable future traffic needs and conditions thereon. The Secretary of Agriculture is hereby authorized to occupy such lands belonging to the United States or to the District of Columbia as may be necessary for the location, construction, and maintenance of the highway authorized herein.

SEC. 4. That the Secretary of Agriculture is hereby authorized to acquire such lands as may be necessary for the proper location, construction, and maintenance of said highway, including parking, by purchase, condemnation, gift, grant, dedication, devise, or otherwise, from any source whatsoever. The Secretary of Agriculture may accept funds from any State, county, or political subdivision of a State, or from any individual or association, for the purpose of aiding in carrying out the provisions of this act. Such lands as may be acquired by purchase or condemnation may be paid for from funds authorized to be appropriated under this act, or from funds that may be donated for the purpose of aiding in carrying out the provisions hereof. Whenever it becomes necessary to acquire by condemnation proceedings any lands in the State of Virginia for the purpose of carrying out the provisions of this act, such proceedings shall conform to the laws of said State now in force in reference to Federal condemnation proceedings. No payment shall be made for any such lands until the title thereto in the United States shall be satisfactory to the Attorney General of the United States.

SEC. 5. That after the construction of said highway, the Secretary of Agriculture shall cause the same to be properly maintained, and shall pay the cost thereof from funds to be appropriated annually for that purpose, which appropriations are hereby authorized to be made. The Secretary of Agriculture shall have control over the vehicular and pedestrian movement on and over the highway constructed hereunder and may issue rules and regulations to govern such traffic and all uses of said highway, including limitations on the size, kind, weight, and speed of vehicles: *Provided*, That nothing herein shall be so construed as to conflict or interfere with the concurrent jurisdiction of the State of Virginia reserved by the laws of said State now in force over property acquired therein by the United States, or with chapter 494 of the acts of the General Assembly of Virginia, approved March 25, 1926, authorizing cooperation on the part of the State and interested subdivisions thereof in the construction of the highway herein provided for.

SEC. 6. That for the purpose of carrying out the provisions of this act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, or so much thereof as may be necessary, to be available until expended: The sum of $500,000 for the fiscal year ending June 30, 1928; the sum of $2,000,000 for the fiscal year ending June 30, 1929; the sum of $1,000,000 for the fiscal year ending June 30, 1930; the sum of $1,000,000 for the fiscal year ending June 30, 1931.

SEC. 7. That out of the appropriations made under this act, or acts amendatory thereof or supplemental thereto, the Secretary of Agriculture is authorized to employ such assistants, engineers, clerks, and other persons, in the city of Washington and elsewhere, to pay the salaries of like persons regularly employed by the Government whose services may be utilized hereunder, and to incur such travel and other expenses as he may deem necessary for carrying out the purpose of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2859) for the relief of Francis J. Young was announced as next in order.

Mr. KING. Mr. President, may I inquire of the Senator from Kansas if it is the rule to allow one year's salary to the heirs

of a decedent who has served in the Diplomatic or Consular Service?

Mr. CURTIS. That I could not say.

Mr. KING. My recollection is it should be only six months' salary.

Mr. CURTIS. There is a rule of the Senate providing that where an employee served for only a limited time the heirs shall receive the equivalent of six months' salary.

Mr. KING. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

JAMES W. KINGON

The bill (H. R. 6579) for the relief of James W. Kingon was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James W. Kingon, out of any money in the Treasury not otherwise appropriated, the sum of $170 in *full settlement* of all pay, bounty, and allowances due him for services in Company H, Forty-second Regiment Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN S. M'HENRY

The bill (H. R. 4702) to remove the charge of desertion from the record of Benjamin S. McHenry was announced as next in order.

Mr. KING. Mr. President, I have not had an opportunity to examine the report. May we have an explanation of the bill?

Mr. REED of Pennsylvania. May I explain that?

Mr. KING. Yes.

Mr. REED of Pennsylvania. This boy was an orphan, 15 years of age. He enlisted in 1863. A three-year enlistment was not then possible. He was told by the enlistment officer that a three-year enlistment law was in process of passage and that it would apply to him. He went into the service under a five-year enlistment. The three-year enlistment law was passed immediately after that, and he was told by his company officer that he was within the three-year class. He served on through the remainder of the war and until 1867. His three years had then expired and the war was over, but he was then notified that what had been told him was erroneous, and that he would have to stay for the full five years. He was transferred to another command, and that caused this misunderstanding. His original commander had stated that he would apply for his discharge, but the new commander to whom he was transferred did not know about that and refused to do it. The young man went home; he had not yet reached his majority; in fact, he had not reached the age of 20. The committee thought, as he had served creditably during hostilities, it was fair to consider him an honorably discharged veteran.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment in the nature of a substitute, on page 1, beginning in line 2, to strike out: "That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against Benjamin S. McHenry, late of Company K, Third Regiment United States Cavalry, and to grant and issue to said Benjamin S. McHenry an honorable discharge from said service and restore his proper name of Benjamin S. McHenry in lieu of the name under which he was erroneously enlisted, Henry Benjamin: *Provided*, That no back pay, bounty, or pension shall be held to have accrued prior to the passage of this act," and in lieu thereof to insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Benjamin S. McHenry, alias Henry Benjamin, late of Company K, Third Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 17th day of May, 1867: *Provided*, That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill for the relief of Benjamin S. McHenry, alias Henry Benjamin."

CHARLIE M'DONALD

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2788) for the relief of Charlie McDonald. It directs that the Postmaster General be authorized to credit the accounts of Charlie McDonald, former postmaster at Lovington, N. Mex., in the sum of $242.05, due the United States on account of the loss of postal funds resulting from the failure of the National Bank of Lovington, Lovington, N. Mex., and provides that the said Charlie McDonald shall assign to the United States any and all claims he may have to dividends arising from the liquidation of said bank.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ONA HARRINGTON

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2126) to provide for compensation for Ona Harrington for injuries received in an airplane accident. It proposes to pay to Ona Harrington, of Minonk, Ill., $667.40 as compensation for injuries received in an airplane accident in or near Kempton, Ill., on July 10, 1919.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JACOB THOMAS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2809) for the relief of the heirs of Jacob Thomas. It proposes to pay to the heirs of Jacob Thomas, formerly an employee of the Rock Island Arsenal, in the State of Illinois, in full settlement against the Government, $497.28 for the death of said Jacob Thomas, resulting from injuries received while in the performance of duty on the 1st day of November, 1901.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SECURITY NATIONAL BANK, OF LAWTON, OKLA.

The bill (S. 50) for the relief of the Security National Bank, of Lawton, Okla., was announced as next in order.

Mr. THOMAS. Mr. President, I ask that this bill remain on the calendar at the present time.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

WILLIAM VOLKERT

The bill (S. 1642) for the relief of William Volkert was announced as next in order.

The PRESIDING OFFICER. The bill being adversely reported, without objection, is indefinitely postponed.

R. DEPUE

The bill (S. 2419) for the relief of R. Depue was announced as next in order.

The PRESIDING OFFICER. This bill being adversely reported, without objection, will be indefinitely postponed.

BROOKSVILLE PLANT INTRODUCTION GARDEN

Mr. McNARY. Mr. President, some time ago I reported Senate Joint Resolution 20, and it was placed on the calendar. Subsequently it was relegated to the calendar under Rule IX. I now ask unanimous consent to take the joint resolution from Rule IX, to place it on the calendar under Rule VIII, and to substitute for it Senate Joint Resolution 95, which I now report favorably and without amendment from the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. Is there objection?

Mr. KING. May I inquire of the Senator from Oregon if he wishes to have the joint resolution considered?

Mr. McNARY. Yes. I may state to the Senator, if he will bear with me for a moment, that this joint resolution proposes to authorize the Secretary of Agriculture to dispose of some property at Hernando, Fla., at one time used for experimental purposes. It is not, however, any longer desired by the Department of Agriculture to use the property for the purposes for which it was acquired.

Mr. KING. Is the measure unanimously reported?

Mr. McNARY. Yes.

Mr. KING. I have no objection to the Senator's request.

Mr. McNARY. But the report which was made on the joint resolution that I introduced was objected to by the Senator from Florida [Mr. FLETCHER]. He then submitted another joint resolution which has been reported on favorably by the Department of Agriculture, and I am asking to have it substituted for the one which I previously reported from the Committee on Agriculture.

Mr. FLETCHER. On page 19 of the calendar it appears that I had the original Senate Joint Resolution 20, placed under Rule IX, in order that it might not be called on the calendar from time to time pending the report on Senate Joint Resolution 95. Now, Joint Resolution 95, which I introduced, has been

reported back by the committee, and I desire to have it substituted for Senate Joint Resolution 20, being Order of Business 39, now under Rule IX, and to have it considered at this time.

Mr. McNARY. That is the request that I have made, which is now pending.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 95) authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant-introduction purposes, which was read, as follows:

Resolved, etc., That the Secretary of Agriculture be, and he is hereby, authorized to sell, or cause to be sold at private sale, to the Hernando Tobacco Co., a corporation existing under the laws of the State of Florida, for the consideration of $2, being the amount originally paid by the Government to the said Hernando Tobacco Co. for the lands hereinafter mentioned, all that tract or parcel of land situate in Hernando County, Fla., ordinarily referred to as the Brooksville Plant Introduction Garden, and more particularly described as follows: The south half southwest quarter southwest quarter of section 30, township 22 south, range 20 east, containing 20 acres, more or less; and the entire portion of the north half southwest quarter southwest quarter of section 30, township 22 south, range 20, which lies south of and adjacent to the county road running through said section and township, consisting of 15 acres, more or less, in the county of Hernando, State of Florida; together with the buildings and improvements thereon, which said tract or parcel of land with the buildings and improvements aforesaid, is no longer needed for plant-introduction purposes, and to execute and deliver in the name of the United States and in its behalf any and all the contracts, conveyances, or other instruments necessary to effectuate and complete such sale.

SEC. 2. That the net proceeds from the sale of the aforesaid property be deposited in the Treasury of the United States.

Mr. McNARY. I desire at this point to have printed in the RECORD a letter from the Department of Agriculture favorable to the passage of the joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, March 5, 1928.

Hon. CHARLES L. McNARY,
United States Senate.

DEAR SENATOR: I have your letter of February 22, submitting a copy of Senate Joint Resolution 95 for consideration and report.

Under date of December 18, 1926, I submitted to you for consideration by your committee a proposed joint resolution authorizing this department to dispose of the land in question, which consists of 35 acres located in Hernando County, Fla., formerly used as a plant-introduction garden by the Bureau of Plant Industry, this department, but no longer required for plant-introduction purposes. For your information, I inclose a copy of that letter.

I would like to call your particular attention to the second paragraph of the letter referred to above, which reads as follows:

"In 1911 the Hernando Tobacco Co., a corporation of the State of Florida, deeded to the Department of Agriculture, for a consideration of $1, 35 acres of land located in Hernando County, Fla., near the city of Brooksville. In consideration of the transfer of this land to the department, the tobacco company received from the authorities of Hernando County the sum of $394. The primary purpose of the department in acquiring this land was to provide a suitable place for growing, testing, propagating, and distributing oriental bamboos in connection with crop development in this country. From time to time, other lines of work were inaugurated and carried through at the Brooksville garden, which was found well adapted to experimental work in such new crops for the South as dasheen, tropical yams, chayotes, arrowroot, edible cannas, and various other crop plants. For several years, investigations in connection with the southern problems affecting the production and storing of corn were conducted at Brooksville; also extensive studies of nematodes and the study and testing of upland rice and other crops."

You will note from the foregoing that while the land was deeded to the Department of Agriculture by the Hernando Tobacco Co. for consideration of $1, the Hernando Tobacco Co. in return received from the authorities of Hernando County the sum of $394 in consideration of so doing. Under date of July 8, 1924, the board of trustees, of Hernando County, passed a resolution waiving their interests in this land, and requesting its return to the Hernando Tobacco Co. A copy of this resolution is inclosed.

In response to the department's letter of December 18, 1926, there was introduced by you in the Sixty-ninth Congress S. J. Res. 137, to carry out our recommendation. This legislation was not enacted by the last Congress. On December 9, 1927, you introduced an identical resolution, S. J. Res. 20, which was reported out favorably by the Committee on Agriculture and Forestry on January 9 last. In so far as this department is concerned, however, there is no objection to the passage of S. J. Res. 95, introduced by Senator FLETCHER. The department, having no further need for the land in question, desires authority to dispose of it. Any disposal deemed desirable by the Congress is acceptable to the department.

Very sincerely,

R. W. DUNLAP, *Acting Secretary.*

DECEMBER 18, 1926.

Hon. GILBERT N. HAUGEN,
Chairman Committee on Agriculture,
House of Representatives.

DEAR MR. HAUGEN: There is inclosed for the consideration of your committee the draft of a proposed joint resolution authorizing this department to dispose of 35 acres of land located in Hernando County, Fla., together with certain buildings and improvements thereon, known as the Brooksville Plant Introduction Garden, which property is no longer required for plant-introduction purposes.

In 1911 the Hernando Tobacco Co., a corporation of the State of Florida, deeded to the Department of Agriculture, for a consideration of $1, 35 acres of land located in Hernando County, Fla., near the city of Brooksville. In consideration of the transfer of this land to the department the tobacco company received from the authorities of Hernando County the sum of $394. The primary purpose of the department in acquiring this land was to provide a suitable place for growing, testing, propagating, and distributing oriental bamboos in connection with crop development in this country. From time to time other lines of work were inaugurated and carried through at the Brooksville garden, which was found well adapted to experimental work in such new crops for the South as dasheen, tropical yams, chayotes, arrowroot, edible cannas, and various other crop plants. For several years investigations in connection with the southern problems affecting the production and storing of corn were conducted at Brooksville, also extensive studies of nematodes, and the study and testing of upland rice and other crops.

Active work at the garden was continued until 1923. At that time, owing to the completion of some of the more important nematode projects, the fact that the experimental work in vegetable crops, such as dasheens, yams, and chayotes, had been carried as far as conditions at the station would permit, and the further fact that the limit had been reached in handling the bamboos on account of soil conditions and the presence of certain pests which were detrimental to their proper development, it was decided to close the station. The valuable collections of plants that were capable of being moved, including representatives of all the more important types of bamboos suitable for propagation and distribution, were transferred to other points and the station was placed in charge of a caretaker.

During its occupancy of the Brooksville station the department erected there a cottage, barn, storage house, and a small laboratory building. The cottage is a frame structure, was built in 1912, and is in fair condition. It is probably worth about $2,500 at the present time, although it cost the department considerably less than that sum. The barn, storage house, and laboratory are relatively inexpensive, and have been dismantled as far as practicable. These improvements, of course, add to the value of the property, but the buildings can not be advantageously removed for use elsewhere.

The availability of the Brooksville garden for other Government purposes was brought to the attention of the Federal Real Estate Board in the spring of 1925 and again in the fall of that year, but no request was received from any Government agency for the use of this property. Accordingly, on December 28, 1925, the surveyor general of real estate gave his clearance on the proposal to dispose of the land, which opens the way to the department to secure the necessary authority from Congress for such disposal.

It is difficult to estimate the value of real estate in Florida, but according to our best information the property should sell at somewhere from $6,000 to $8,500, probably in the neighborhood of $7,000. If this authority is granted by Congress, it is our plan to advertise the property for sale in the usual way and sell to the highest bidder, the net proceeds from the sale to be deposited as miscellaneous receipts in the Treasury of the United States.

Sincerely yours,

——— ———, *Acting Secretary.*

Whereas it is reported that it is the purpose of the United States Department of Agriculture to abandon the plant introduction station which has been maintained for a number of years near the city of Brooksville in Hernando County, Fla., and to discontinue at that place the propagation and distribution of introduced foreign plants, for which purpose the land on which the said station is situated was originally given by the Hernando Tobacco Co., of Brooksville, Fla.; and

Whereas it is adjudged by the board of commissioners of Hernando County, Fla., that the said county has received substantial benefits, in consequence of the establishment and operation of the said plant intro-

duction station, full return for the small appropriation made and paid to the said Hernando Tobacco Co. by the said county: Therefore be it

Resolved, That the said Hernando County does hereby surrender any claim whatsoever to equity in the said property in consequence of which the said donation of money was made, and does hereby respectfully request that the land on which the said plant introduction station is situated, together with such property thereon as is not further required by the United States Department of Agriculture, be reconveyed to the said Hernando Tobacco Co. On motion duly made and carried, the foregoing resolution was adopted.

STATE OF FLORIDA,
County of Hernando:

I, H. C. Mickler, clerk circuit court of the State and county aforesaid, do hereby certify that this is a true and correct copy of the county commissioners' minute book No. 5, of the public records of Hernando County, Fla.

Witness my hand and official seal this 8th day of July, A. D. 1924.

H. C. MICKLER,
Clerk Circuit Court.

Mr. FLETCHER. Mr. President, I understand that the joint resolution as reported from the committee has been substituted for the one to which I have referred?

The PRESIDING OFFICER. That has been done.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. MCNARY, the joint resolution (S. J. Res. 20) authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant introduction purposes, was indefinitely postponed.

CUMBERLAND RIVER BRIDGE, TENNESSEE

Mr. DALE. Out of order, from the Committee on Commerce, I ask permission to report two bridge bills, to which I call the attention of the senior Senator from Tennessee [Mr. MCKELLAR].

The PRESIDING OFFICER. Without objection, permission is granted to the Senator from Vermont to report the bills.

Mr. DALE. First, from the Committee on Commerce, I report back favorably, with an amendment, the bill (H. R. 9199) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn., and I submit a report (No. 486) thereon.

Mr. MCKELLAR. Mr. President, I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 2, section 2, line 10, before the word "approaches," to strike out "cost of the bridge and its" and insert "cost of the bonds authorized under the laws of the State of Tennessee for the construction of this and other bridges and their," so as to make the section read:

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bonds authorized under the laws of the State of Tennessee for the construction of this and other bridges and their approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River, on the Dover-Clarksville road, in Stewart County, Tenn."

TENNESSEE RIVER BRIDGE, TENNESSEE

Mr. DALE. From the Committee on Commerce I report back favorably with an amendment the bill (H. R. 9198) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River, on the Paris-Dover road, in Henry and Stewart Counties, Tenn., and I submit a report (No. 485) thereon.

Mr. MCKELLAR. I ask unanimous consent for the immediate consideration of the bill which was just reported by the Senator from Vermont.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 2, section 2, line 10, before the word "approaches," to strike out "cost of the bridge and its" and insert "cost of the bonds authorized under the laws of the State of Tennessee for the construction of this and other bridges and their," so as to make the section read:

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches, under economical management, and to provide a sinking fund sufficient to amortize the bonds authorized under the laws of the State of Tennessee for the construction of this and other bridges and their approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Mr. KING. I should like to ask whether that bill is in the usual form?

Mr. DALE. Yes, Mr. President; these bills are all in the regular form.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS RECOMMITTED

Mr. REED of Pennsylvania. I ask unanimous consent that Order of Business No. 420, being the bill (S. 2387) to authorize appropriations for contingencies of the Army, and Order of Business No. 437, being the bill (S. 1830) to authorize the Secretary of War to withhold pay or allowances of any person in the military service to cover indebtedness due a State or its military agencies or instrumentalities be recommitted to the Committee on Military Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. CURTIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Shipstead
Barkley	Fess	McKellar	Shortridge
Bayard	Fletcher	McMaster	Simmons
Black	Frazier	McNary	Smith
Blaine	George	Mayfield	Smoot
Blease	Gerry	Metcalf	Steck
Borah	Glass	Neely	Steiwer
Bratton	Gooding	Norbeck	Stephens
Brookhart	Gould	Norris	Swanson
Broussard	Greene	Nye	Thomas
Bruce	Hale	Oddie	Tydings
Capper	Harris	Overman	Tyson
Caraway	Harrison	Phipps	Wagner
Copeland	Hawes	Pine	Walsh, Mass.
Couzens	Hayden	Pittman	Walsh, Mont.
Curtis	Heflin	Ransdell	Warren
Cutting	Howell	Reed, Pa.	Waterman
Dale	Johnson	Robinson, Ark.	Watson
Deneen	Jones	Robinson, Ind.	Wheeler
Dill	Kendrick	Sackett	Willis
Edge	Keyes	Schall	
Edwards	King	Sheppard	

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. McNARY. Mr. President, I am just in receipt of a report from the Secretary of Agriculture on the pending joint resolution, being Senate Joint Resolution 46, introduced by the Senator from Nebraska [Mr. NORRIS] and reported from the Committee on Agriculture and Forestry. I should like to have the report read at this time by the clerk.

The PRESIDING OFFICER. Without objection, the report will be read.

The legislative clerk read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, March 3, 1928.

Hon. CHARLES L. MCNARY,
Chairman Committee on Agriculture and Forestry,
United States Senate.

DEAR SENATOR: Please refer to your letter of December 17, with its inclosed copy of Senate Joint Resolution 46, which you forwarded to me for consideration and report.

This resolution has been read with interest. It is noted that the Secretary of War is authorized and directed to complete and operate the power facilities and to sell the current generated and deposit the net income in a special fund in the Treasury, and that the Secretary of Agriculture is authorized and directed to carry out a fertilizer program for the benefit of agriculture, using the fund, as appropriated by Congress, in accordance with instructions contained in the resolution.

I am in favor of those provisions of the resolution which provide that the power and fertilizer phases of the Muscle Shoals project shall be handled separately and that the income from the power be dedicated to agriculture and used to introduce improved fertilizers and better fertilizer practice. I am convinced that this is sound policy and should be adhered to. Under the authorization granted the Secretary of Agriculture, this department will be able to use the income from the power facilities in a way to give agriculture the maximum benefit. The provisions of the resolution covering the fertilizer program have the flexibility which is necessary if efficient work is to be done in this field, where changes come so rapidly.

The advisability of directing at this time the completion of the machinery installation at Dam No. 2 and the steam plant at nitrate plant No. 2 is questioned. Decision on this point would, of course, largely depend on the policy adopted in disposing of the power problem. Since it is the policy of the administration to dispose of the property, if possible, it may be pointed out that authorization is lacking in the bill to allow lease of the hydroelectric facilities and lease or sale, in whole or in part, of the nitrate plants, including the steam units, which alternatives the administrative agency finally intrusted with the property should have.

Sincerely,

W. M. JARDINE, *Secretary.*

(Submitted to the Bureau of the Budget, pursuant to Circular No. 49 of that bureau, and returned to the Department of Agriculture under date of March 2, 1928, with the advice that the foregoing report is not in conflict with the financial program of the President.)

Mr. BLACK. Mr. President, in order that I may again make clear my position with reference to the pending joint resolution, I will state that the interest of the people of Alabama in the operation of Muscle Shoals is a fertilizer interest. They care nothing for the power. So far as they are concerned, this is not a power fight.

I listened with a great deal of interest to the closing remarks of the Senator from Nebraska [Mr. NORRIS], who drew a wonderful picture of the possibilities of universal electrification of farm life; but the Senator from Nebraska has not had the experience which Senators from the South have had in States where the farmers are ground down by an immense fertilizer bill. I am not opposing the Senator's viewpoint, so far as his disposition of the power is concerned, provided a sufficient amount has been utilized for the manufacture of fertilizer.

I wish to state that I hoped that the Senators from Louisiana and Mississippi would be here in order that I might say to them that so far as Alabama is concerned the statement that she has been seeking to gobble up this power is unfounded in theory or in fact. If we could get the operation of that plant to its full capacity in the manufacture of fertilizer, even though I think a law to that effect would be legally indefensible, I would be willing, in order to get the fertilizer, to let the few people of certain States that are clamoring for that power, and who are throwing in the objection that "we will not get our part of the power," have the distribution of the remainder of the power, according to their position.

The point I want to bring out is that we are not interested in Muscle Shoals as a power proposition.

I notice, on the map of the fertilizer used in the United States, that Alabama alone appears to consume more fertilizer than all the States west of Missouri, with California excluded.

I have not added up the figures, but I believe even with California that Alabama alone buys more fertilizer than all the States west of Missouri. Therefore Alabama is pleading with the representatives from other States who are more fortunate than we; and I hope that before the fight is over we will be joined by every other southern representative. Putting aside immaterial issues, we are pleading with the representatives of the other States not to try to impose upon Alabama a power rate as contradistinguished from a fertilizer rate. We want fertilizer distributed to the farmers of this Nation. The farmers are not clamoring for power—they want fertilizer.

If you should go to the farmers of Alabama to-day and say, "We want to reduce the rate charged for the power that you receive on the farms," you would help them just as much, comparatively speaking, as though you told them that you would lower the price of evening clothes and silk hats and walking sticks and Lincoln automobiles. They are interested not in cheap power but in cheap fertilizer; and that is the entire basis of my remarks.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BLACK. Yes, sir.

Mr. COPELAND. I notice that in my State of New York, according to this map, in 1920 the farmers paid $15,000,000 for fertilizer, as against $7,000,000 in 1910. I observe in most instances that the amount paid at the later date is much more, perhaps double, the amount paid at the first date. Is that due to the fact that more fertilizer is being used, or to a material increase in the price of fertilizer, or both?

Mr. BLACK. I will furnish the Senator from New York with a table which embodies the answer as to the amount. That is the amount of fertilizer used. However, as the States grow older, and as the Western States grow older, by the way, the nitrogen will tend to become exhausted, and the longer the farm is worked without replenishing the nitrogen the weaker it becomes in plant-food content; and that is true, perhaps, with reference to New York.

Another thing: The truck farmers are beginning to use more fertilizer and to produce more food.

Mr. COPELAND. Mr. President, will the Senator yield just a moment further?

Mr. BLACK. Yes, sir; I yield.

Mr. COPELAND. I notice in my State, referring to the second map handed me by the Senator, that the quantity consumed was practically the same in 1920 and in 1910. Therefore, it must indicate, since the bill is twice as great, that there has been a tremendous increase in the price of the fertilizer. I assume that the chief thought the Senator from Alabama and also the Senator from Nebraska have in mind is that some means shall be found materially to reduce the cost of fertilizer, so that the farmers may have it at a decent price.

Mr. BLACK. The Senator has exactly touched the point that I am endeavoring to present here to-day.

I do not join issue with the Senator from Nebraska [Mr. NORRIS] on the good that can come from cheap power, nor do I dispute the point he makes that power is sold too high in America. I think I established my thought with reference to that by my vote in favor of the Walsh resolution which provided for an investigation of the so-called Power Trust. The position I take is that the farmers of the South need a cheapening of the commodity which they must buy in the largest quantities and not the thing which they buy in the smallest quantities.

If this question were put to a vote of the farmers of the South, I venture the assertion that in every State where they use fertilizer, 99 out of 100, or 999 out of 1,000, would vote in favor of the operation of this plant for fertilizer, the operation from which they would derive the greatest benefit.

Mr. NORRIS. Mr. President, will the Senator yield there?

The PRESIDING OFFICER (Mr. BROOKHART in the chair). Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. BLACK. I yield; yes.

Mr. NORRIS. Would those intelligent men vote to operate this plant for cheap fertilizer and utilize the water power to make fertilizer if they knew when they were thus voting that it was an impossibility to make cheap fertilizer until the methods had been improved? In other words, admitting that they want and ought to have cheap fertilizer, would they say, "You shall not cheapen power until you cheapen fertilizer"?

Mr. BLACK. I will answer that by stating to the Senator that I have made a very careful study and shall present figures to show that, in my judgment, the Senator from Nebraska, through his idea of Government operation in order to reduce the price of power—I do not criticize him for it; I am not joining issue with him on the necessity of reducing the price of power—has consistently fought the Ford offer, has fought every other offer, and his vision has been dazzled by the glare of electric power. It can be proven by the figures from the Government engineers in their test plant that the farmers of the South would save millions of dollars if the cyanamide plant at Muscle Shoals were opened up to-morrow.

That is the position I take, with all due deference to the views of the Senator from Nebraska.

Mr. SMITH. Mr. President, if the Senator will allow me, I have here a bulletin on industrial and engineering chemistry from the fixed nitrogen research laboratory of the Department of Agriculture that is very illuminating right on that point. It says, on page 9:

> By diverting the power now being used to fix the 40,000 tons of nitrogen as of the year 1925 by the arc process to the direct synthetic ammonia process, 100,000 tons of nitrogen could be fixed.

Showing that the amount of power used now to produce a unit of nitrogen is perhaps 100 per cent more effective than it ever was before, and it is still developing. By that process of reasoning, each unit of the power that we may develop at Muscle Shoals will produce to-day, under the inventive genius of the age, one hundred times more nitrogen than it would 10 years ago.

Mr. BLACK. I thank the Senator for that.

Mr. NORRIS. Now, will the Senator permit another interruption, so that we may have an understanding with the Senator from South Carolina?

Mr. BLACK. I yield.

Mr. NORRIS. I would like to have the Senator from South Carolina state whether he means, by his statement now, to bear out the statement made by the Senator from Alabama, that if we utilize cyanamide plant No. 2, we can do what he says we can do?

Mr. SMITH. Mr. President, I do not think the cyanamide plant or any other plant should cut any figure whatever in the disposition that is to be made of this project. The question for us to decide as sensible men intrusted with the duty to provide what this law makes it obligatory upon us to do is to determine what is the most efficient method by which we can get fertilizer for the farmers, during times of peace. I do not know whether the nearness or the availability of coal, which is so essential in the production of ammonia under the synthetic process, would justify the utilization of the power at Muscle Shoals for the direct production, or whether it would be better to develop the power, dedicate it to agriculture, sell it as provided under the Norris resolution, and take the proceeds and establish these plants at the points where this ingredient may be the more economically and efficiently produced. I believe it is our duty to dedicate this power to agriculture, as the original law did, appoint a commission of agriculturalists, turn it over to the farmers of this country, and let them, with their intelligence, decide what is best to do for themselves, not turn it over to a power company, not turn it over to some fertilizer trust, but to the men who are directly interested and to whom we have dedicated it. Let them form a proper organization, take charge of the property, and run it for their own benefit. That is my idea about it.

Mr. BLACK. Mr. President, as far as I am concerned, I may repeat what I said yesterday. I do not believe the Senator from Nebraska was here at the time I made the statement. I do not care what process is used; I have no preference. I am convinced in my own mind that fertilizer can be manufactured under either process at a great saving to the American farmer. I am further convinced that if the Senator had gone to the cyanamide plant at the time he went to the Du Pont plant the people who were at that plant would have taken issue with the people at the Du Pont plant. The people at the Du Pont plant have bought and have the privilege of using the synthetic process patent. The people at the cyanamide plant have bought and have the privilege of using the cyanamide process. Both of them are manufacturing ammonia at a profit.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. NORRIS. I would like to suggest to the Senator that the difference between what I did and what the Senator is doing is that I sought disinterested witnesses, although I would have been very glad to visit the cyanamide plant, as he has suggested. I did visit the cyanamide plant at Muscle Shoals on two different occasions and had it explained to me in complete detail by experts. But I was seeking disinterested evidence. While the Senator is offering the evidence in favor of the cyanamide process from cyanamide people, I wish he would answer the testimony which I put into the RECORD several days ago from these very officers, when the Ford bill was pending, when they themselves said that fertilizer could not be made at a reasonable price.

Mr. BLACK. I expect to do that.

Mr. NORRIS. While I am interrupting the Senator, and to save another interruption, let me further state that what the Senator from South Carolina has said is just what the resolution that I am trying to pass through the Senate provides for, and I am perfectly willing, although it is not included by name in the resolution, to amend it to include cyanamide plant No. 2 and turn it over to the Secretary of Agriculture. I am perfectly willing to do that. If he is a practical man, as he says in his letter he is, and knows something about fertilizer, he would not, unless he were directed and compelled to do so, waste the power to operate plant No. 2 in making fertilizer, when he knew in advance that he was going to lose money by the operation. Under my resolution he would have the authority; he would not be confined to any process. He could take the cyanamide process if he wanted to. The world would be open to him. There would be no strings tied to him. He could take any process, any method, now known or which may hereafter be discovered, and develop it to almost any size that he sees fit, either at Muscle Shoals or elsewhere.

Mr. BLACK. Does the Senator know where Mr. Ernst is working now, the gentleman who was formerly with the Department of Agriculture, from whom the Senator quoted?

Mr. NORRIS. I quoted from the testimony of Mr. Hanna, who was vice president of the Cyanamid Co.

Mr. BLACK. I remember that, but I am talking about Mr. Ernst.

Mr. NORRIS. And from Mr. Washburn.

Mr. BLACK. I expect to answer those statements, but does the Senator recall quoting from a man in the Department of Agriculture?

Mr. NORRIS. I do not remember the name.

Mr. BLACK. My information is that shortly after that statement was given out he went with the synthetic people, and I might state right here——

Mr. NORRIS. Let me say, while I know nothing about any chemist who was going into the business of getting nitrogen from the air and wanted to do it on a scientific basis, under the present knowledge in the scientific world of the method of extracting nitrogen from the air, he would not have any place to go except to some of the people operating under the synthetic process, because that is acknowledged in the scientific world to be head and shoulders above every other.

Mr. BLACK. That is where the Senator and I differ.

Mr. NORRIS. Assuming, for the sake of the argument, that the Senator is right, and that all the scientific world is wrong, the disinterested scientific world——

Mr. BLACK. The Senator is assuming that all the scientific world has taken his side on the question, and all the scientific world has not.

Mr. NORRIS. I do not say it has. I think in the great scientific world there are as many disinterested people as in any profession in the world. I did not exhaust the witnesses; I can get hundreds more of them, but in my humble judgment some of the witnesses who appeared have no interest in any particular process, no object on earth except to do what is right and to do the best thing.

Mr. BLACK. The Agricultural Yearbook for 1926 contains this significant statement:

> A number of technical men have left this department to enter the synthetic-ammonia industry.

Mr. NORRIS. That is the most natural thing in the world. You would not expect anything else.

Mr. BLACK. No; I would not expect anything else from a department that is giving out propaganda to the effect that a process is a failure, when that process is competing in the open markets of the world with the synthetic process and in certain instances is driving them from the field in which they engage in business.

Now, may I say this: I have before me a letter from Dr. Albert R. Franck, the well-known German chemical engineer, with reference to a part of this propaganda. I did not expect to bring this up at this time, but since the question of the scientific world is brought up, I desire to read from this letter to Mr. Ernst. He states:

> I have read with much interest your article on nitrogen fixation which appeared in the Journal of Industrial and Engineering Chemistry last February, and which has been reproduced in abstract in a number of other publications.

I am reading this, because one may keep on saying a thing until everybody will believe it. The statement has been made so many times that the cyanamide process is obsolete and worn-out and useless, that many people have accepted the statement as true without investigation. I read further:

It seems clear to me that the purpose of this article was to make propaganda for political purposes, and you have departed so widely from the existing facts in the presentation of your data in order to meet your object that I must, in fairness to the industry, bring to your and to the public's attention a much more correct and true picture.

Under your classification of arc process plants, the truth is that the plant at Rhina has a capacity of only 2,000 metric tons of nitrogen per year (against the 4,500 tons given by you), and is producing at the rate of only 1,000 metric tons of nitrogen per year. The plant at Pierrefitte (France) has been abandoned for some time and is dismantled.

With regard to the cyanamide process plants our Piesteritz plant has been, and is to-day, operating at its full rated capacity of 35,000 metric tons of nitrogen per year. Our Trostberg plant was enlarged last year to a capacity of 55,000 metric tons of nitrogen per year, and is operating to full capacity. The Knapsack plant produced, in 1926, 3,000 metric tons of nitrogen more than you credit it with. A new German plant at Hirschfelde was started last year and plans for its enlargement are under way. Still another large plant in Upper Silesia is at present under construction. Also you seem to have overlooked the Swiss cyanamide plant at Gampel, though it was in full production in 1926.

That is part of the propaganda that has been issued by this department.

The Polish plant produced 5,000 metric tons of nitrogen more than you credit it, and when construction work on both the power and the cyanamide plant are completed a much greater production is in sight. The Karlsbad (Falkenau) plant is producing to capacity and Czechoslovakia has been forced to import cyanamide to meet the local demands. The large plant of the Russ Co. in Yugoslavia has been omitted from your tabulation, though it has been in operation for years.

That, Senators, is the kind of propaganda that has been issued by the Department of Agriculture, a large number of whose men have gone into the service of the synthetic plant, monopolized by the Allied Chemical Co. of this Nation.

Mr. SMITH. Mr. President, may I ask the Senator from whom he is reading?

Mr. BLACK. I am reading from Dr. Albert R. Franck, of Germany.

Mr. SMITH. He is interested in what?

Mr. BLACK. He is interested in cyanamide. He is interested in both processes.

Mr. NORRIS. He is the same man who testified over here in favor of cyanamide, who was sent out without saying that he was a vice president of the cyanamide company.

Mr. BLACK. This man Frank?

Mr. NORRIS. He has a direct interest in what he is talking about.

Mr. BLACK. The Senator is very badly mistaken about that, I think. This man lives in Germany.

Mr. NORRIS. That is what I say.

Mr. BLACK. Vice president of the cyanamide company here?

Mr. NORRIS. No; I did not say he was.

Mr. BLACK. Let me read this, and if anybody can prove it is not true let him produce the facts. I have a statement of the facts here from the Department of Commerce for anybody who desires to read it. I have a large number of bulletins before me. When certain people went to the Department of Commerce and said, "There is something wrong about cyanamide; we want you to investigate it yourself," the Department of Commerce proceeded to do so, and I have a great many of their bulletins here on my desk. Let me read the rest of this:

One would naturally infer from reading your French statistics that the plants there were operating at only a small percentage of their capacity. But the contrary is true, for all these plants have produced to the limit of installed manufacturing capacity, or to the limit of the power available. The consumption of cyanamide during the fertilizer year just closing has shown some remarkable increases. In percentage increase over the previous year for several of the larger consuming countries of Europe we find for Germany, 20 per cent; for Belgium, 100 per cent; for Sweden, 60 per cent; and for Poland, 60 per cent. There has also been large exports to countries which have not used cyanamide before, as, for example, Spain, Egypt, and India.

Your choice of method of presentation of the statistics of the direct synthetic ammonia process is so different from that used for the other processes, and the data therein given of such a different character, that similar comment to the above is not possible. Not only have you been careful not to omit any synthetic plants, but I find a number in your list that my most careful research can not confirm their possible existence within measurable time. You list as operative and prospective capacities some 650,000 metric tons of nitrogen per year, of which the two large plants in my country are given 360,000 metric tons (which is not correct), leaving as a remainder for all other 290,000 metric tons of nitrogen per year. The actual present rate of production, including plants completed since your paper was written, will not exceed, for countries other than Germany, 110,000 metric tons of nitrogen per year. Of plants to be built or finished, according to present plans, we can at most estimate a further production in these countries of 40,000 to 50,000 metric tons of nitrogen per year.

The present productive capacity of the existing nitrogen-fixation plants and those under construction, in addition to the natural and by-product nitrogen, gives the world a large overproduction at the present time. The fierce competition which will ensue during the next few years will result in such a lowering of prices that some of the smaller synthetic plants with their present high overhead charges will, of necessity, be forced out of operation.

May I state right here that one of the synthetic plants which the Senator from Nebraska listed as having been given to him as one of the great producing plants at Niagara Falls is in bankruptcy to-day. Not only that, but before it went into bankruptcy it went to the Cyanamid people and endeavored to get them to buy the process or the plant, and they declined to do it. The Cyanamid Co., which had first right of choice when the synthetic proposition came to this country, according to my information, was asked to buy the synthetic process. Their engineers investigated it and they then declined to do it because their process, as they believed, is cheaper. Then it went to the Allied Chemical Co., and if the Cyanamid Co. is a trust, I ask you, pray tell me what is the Allied Chemical Co.? I will discuss the cyanamide business later.

Mr. NORRIS. Mr. President, I want to ask the Senator a question. I want to ask the Senator if the testimony he has just given about these plants did not come to him from officials of the Cyanamid Co.?

Mr. BLACK. I got the testimony; yes.

Mr. NORRIS. That is what I thought.

Mr. BLACK. About the bankruptcy?

Mr. NORRIS. Yes.

Mr. BLACK. If the Senator challenges the statement that one of the plants he listed is in bankruptcy, I ask him to investigate.

Mr. NORRIS. No; I do not challenge the statement.

Mr. BLACK. I do not care from whom I got it if it is correct information.

Mr. NORRIS. It is all right to get information, but it is always right, even in a lawsuit before a justice of the peace, when a witness is put on the stand, to see whether he is interested in the result of the suit. The witnesses I have had to testify had no interest in the result of the suit.

Mr. SMITH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. BLACK. I yield.

Mr. SMITH. The Senator is quoting from certain parties who are experts. What are we to do? We have a bureau, supported by the Government, charged with the duty of investigating and experimenting in all the processes looking toward the cheapening and increase of facilities for a process, and they in their bulletins from time to time give us the facts. Now, if it has come to pass that we have to impeach our own Government forces and claim that they are interested in private enterprises, it is time for us to abolish those forces or impeach those individuals. I have gone on the assumption that the bureau which we have charged with this matter, in charge of the atmospheric fixation plant down in Virginia, looking toward getting those facts for us, was conducted on an honest basis. I can not understand how they can come here and give us the facts which they do give us if they are prejudiced and if they have a private personal interest. The charge is made that they are interested in the commercial feature, and the claim is made that the facts set forth by our Government forces are untrustworthy, so shot through with determination to break down one and set up another that it arouses me to make the inquiry. However, I am not yet ready to accept that statement.

Mr. BLACK. I can not tell just exactly which side the Senator has taken in that controversy. I did not exactly get the point the Senator made.

Mr. SMITH. The point I am making is that the Senator is reading articles from the employees of the Cyanamid people.

Mr. BLACK. That is a mistake, I may say to the Senator.

Mr. SMITH. The Senator is reading from statements of those engaged in the business.

Mr. BLACK. In Germany.

Mr. SMITH. What we are trying to get at is what is the best process for getting these ingredients for agricultural purposes, and to go immediately to the manufacture thereof without the indirect method of experimentation any further than the Government is forced to.

Mr. BLACK. My idea is, I repeat, that if Senators from the South who are the most interested in this controversy, whose constituents need fertilizer most, are not willing to face the facts as they are, to place fertilizer above power, fertilizer first and always, and act in harmony and unity, how can we expect the Senators from the West, who are not interested in fertilizer, and how can we expect the Senators from the North, who are slightly interested in fertilizer, to do so? I am endeavoring to bring the facts here as I see them. It matters not to me who furnishes the facts. If it is a fact it is the truth.

Now, here is a man in Germany who is in charge of the cyanamide division of the German Government nitrogen syndicate. Why he should want to give a statement which is untrue, which might tend to bring about competition against him in America, is far beyond me to comprehend.

Let me go a little further. The question was asked yesterday about cyanamide and about concentrated fertilizer by the Senator from North Carolina [Mr. SIMMONS]. I have obtained the Agricultural Yearbook for 1926, in which they give a picture of a cotton crop which is growing with the aid of concentrated fertilizer. All these reports say that eventually we must come to concentrated fertilizer. There is no dispute about it. Cyanamide is being shipped into America. There was shipped into this country last year from the cyanamide plant, utilized in fertilizer in the United States, 55,272 tons. That went to fertilizer factories, who took it and substituted it for Chilean nitrate at the lowest prices, as I have given it to the Senate, manufactured under the cyanamide process. But if it had been produced at Muscle Shoals there would have been no intermediaries and the farmer would have received the direct benefit of the reduction. If Muscle Shoals had been operating as a fertilizer plant there would have been a farmers' organization, and the farmers in North Carolina, South Carolina, Georgia, and Mississippi, and all the farmers who are being ground down under the heels of the Chilean trust, paying $12.53 a ton, would have saved money.

My argument is, let us forget the little insignificant differences that amount to nothing with reference to surplus power, because there would not be much there—and I will show it in a few minutes—and let us present a united front and not experiment in fertilizer for 10 years. Let us manufacture fertilizer for the farmer and stop quibbling over immaterial details.

Mr. SIMMONS. Mr. President, I would like to see if I understand what the Senator stated. I have not heard all of his remarks this morning, because I have been necessarily absent from the Chamber, but I believe he said on yesterday that we used about 800,000 tons of nitrate.

Mr. BLACK. Chilean nitrate.

Mr. SIMMONS. As fertilizer?

Mr. BLACK. No; I did not say as fertilizer. The Senator misunderstood me. It is impossible to tell exactly what percentage of that was used in fertilizer and what part was used for other purposes. The guess is by some that probably 75 per cent was used in fertilizer.

Mr. SIMMONS. The Senator has been investigating the matter. Can he tell me what amount of nitrate of soda product is used in the manufacture of fertilizer in this country?

Mr. BLACK. I would say about 75 per cent of 838,000 tons. Does the Senator mean Chilean nitrate?

Mr. SIMMONS. I mean Chilean nitrates and all kinds of nitrates.

Mr. BLACK. I have that figured out and will give the figures to the Senator later.

Mr. SIMMONS. Seventy-five per cent?

Mr. BLACK. That is the estimate.

Mr. SIMMONS. That is, 75 per cent of 800,000 tons?

Mr. BLACK. Seventy-five per cent is estimated to be the amount of the Chilean nitrate that is used in fertilizer.

Mr. SIMMONS. That is 800,000 tons, is it not?

Mr. BLACK. Seventy-five per cent of it.

Mr. SIMMONS. Did not the Senator state that yesterday?

Mr. BLACK. I said 838,000 tons; yes.

Mr. SIMMONS. And the Senator now tells us that there went into the production of the 838,000 tons some 55,000 tons of cyanamide?

Mr. BLACK. No; those two are entirely separate and distinct.

Mr. SIMMONS. I do not see how the Senator separated them.

Mr. BLACK. They are separated because the 838,000 tons was shipped in from Chile as Chilean nitrate, while the 55,000 tons was shipped into America as cyanamide, both of them being used in fertilizer.

Mr. SIMMONS. Does the Senator mean to say that he can state here that there was 55,000 tons of cyanamide shipped into this country that was used——

Mr. BLACK. Fifty-five thousand two hundred and seventy-two tons.

Mr. SIMMONS. That was used in the production of fertilizer?

Mr. BLACK. Yes.

Mr. SIMMONS. Can the Senator tell us what proportion of the amount of cyanamide produced in this country went in the same way?

Mr. BLACK. None was produced in this country.

Mr. SIMMONS. No cyanamide?

Mr. BLACK. No.

Mr. SIMMONS. Then it all came from abroad?

Mr. BLACK. It all came from Niagara Falls, Canada.

Mr. SIMMONS. Is there not some cyanamide produced in this country?

Mr. BLACK. No, sir.

Mr. SIMMONS. None at all?

Mr. BLACK. Part of this work is done at Niagara Falls and part of it was done at Warners, N. J. I am going to point out later that even at present prices the phosphate rock is shipped to Warners, N. J., from Florida. The ammonium is shipped to Warners, N. J., from Niagara Falls.

Mr. SIMMONS. Was there any limitation imposed upon the amount of cyanamide that we might get from abroad for the manufacture of fertilizer?

Mr. BLACK. Any limitation?

Mr. SIMMONS. Yes.

Mr. BLACK. I do not know of any.

Mr. SIMMONS. That is to say, we could have gotten from abroad the whole amount we needed for nitrogen products?

Mr. BLACK. No. That could not be true, because they were importing cyanamide abroad. They did not have enough for their own consumption. They have driven Chilean nitrates out of business over there with the fixed nitrogen. They bought some from over here, instead of shipping it from over there to this country.

Mr. SIMMONS. Can the Senator furnish us any information showing that cyanamide as a substitute for Chilean nitrate is sold in the market to the farmer at less price than he has to pay for the Chilean nitrate?

Mr. BLACK. No, sir; I can not because it is not. I have just explained why. It is shipped now at a low price to the fertilizer factories, and the fertilizer factories keep up the price the same as though it were Chilean nitrate. What we want is to have it manufactured at Muscle Shoals and sold directly to the farmer instead of going through the wholesaler.

Mr. SIMMONS. Then the Senator claims that the fertilizer producers could make fertilizer out of cyanamide and sell it at a very much less price than they can sell Chilean nitrates?

Mr. BLACK. If they had a cyanamide plant, they certainly could do so.

Mr. SIMMONS. I want to ask the Senator if he knows why, if cyanamide is such a cheap substitute for nitrate of soda, that industry has not been developed in this country?

Mr. BLACK. I explained that on yesterday, I will say to the Senator from North Carolina, but I shall be glad to explain it again.

Mr. SIMMONS. I did not understand that the Senator had explained it yesterday.

Mr. BLACK. Fertilizer factories to-day are not built and equipped to manufacture cyanamide. They are not built to fix nitrogen from the air.

Mr. SIMMONS. That is begging the question that I have asked.

Mr. BLACK. If the Senator will let me finish, I shall answer his question as best I can; but if the Senator thinks it is begging, of course I can not help that.

Mr. SIMMONS. I did not say the Senator was begging, but I said that he was begging the question.

Mr. BLACK. I do not think so, with all due deference. Here is the explanation: The fertilizer business is using antiquated machinery. It looks as though unless the Government permits the plant at Muscle Shoals to fix nitrogen from the air and drives the fertilizer companies to abandon their antiquated machinery they will never advance a peg, and that the farmers of the country will continue to buy their fertilizer at an extraordinarily high rate. The farmers of North Carolina bought fertilizer containing cyanamide last year; it was one of the ingredients; but the price has not been reduced. The price would

be reduced, however, in the ultimate course of business if the fertilizer factories were operating and turning loose a huge amount of cyanamide on the market; but the fertilizer factories would have to put in new machinery to fix nitrogen from the air in order to manufacture it.

Mr. BROOKHART. Mr. President, will the Senator from Alabama yield to me?

Mr. BLACK. I yield.

Mr. BROOKHART. On the question of reducing the price, is it not the Cyanamid Co., to which the Senator wants to turn over this plant, the greatest offender of all in the United States? If it were doing its duty to the farmer, could it not have reduced the price of fertilizer years ago?

Mr. BLACK. The Senator's question is one that, of course, would be the first question that would arise in a man's mind. I have no defense for the Cyanamid Co., or for any other company; but, in the first place, they have only been manufacturing cyanamide in quantities for a very few years. At the time its representatives were testifying, from which testimony the Senator from Nebraska [Mr. NORRIS] has read, they were manufacturing a very small amount of nitrogen. Their business has been gradually growing for the last few years.

The result is that they do not sell a mixed fertilizer. The farmers of the Nation have not yet been educated up to a concentrated fertilizer, although that is, of course, what they have got to come to. The Agricultural Yearbook for 1926 says that this concentrated fertilizer, which is good fertilizer, can be shipped in two or three bags, whereas it takes 10 bags of mixed fertilizer.

The Cyanamid Co. has no mixing plant; they never have started one. All they manufacture in the way of fertilizer is the Ammo-phos, which is a combination. The result is that they have not entered into the business in any large degree in this country or to any degree whatever so far as mixing it is concerned; but have sold it to factories that already have mixers. In doing that they have sold it at a cheaper rate than that for which Chilean nitrates were sold. I assume that as time goes on the Cyanamid Co. will, if we should start to operate the Muscle Shoals plant, begin to sell to the farmers; but whether the Cyanamid Co. is good or bad, if it is wholly indefensible, I am not in favor of turning the plant over to any private operator unless the measure ties the matter down in such a way that the farmers will get the benefit of cheap fertilizer.

Mr. BROOKHART. Mr. President, I think the Senator from Alabama pointed out that unless the Government entered into this enterprise there would be no reduction in the price of fertilizer because of this old machinery.

Mr. BLACK. I do not think that, I will say to the Senator. I think the Senator misunderstood me. My idea is this: In the first place, the Cyanamid Co., which has the patent and which owns the process, can naturally manufacture it cheaper than can anybody else. Next, if anybody else should undertake to manufacture it he would pay them a royalty which would, of course, to some extent increase the price. It would not be any tremendous amount when distributed over the tonnage; but my idea is, and I think I can show here in a few minutes—whenever I get down to that point—from the figures of the Government itself, from the very man who operated the test in 1919 or 1918, if they went down there and manufactured fertilizer as these people say they could, the farmer would be saved millions of dollars per year. I think I will show that so that every Senator here will understand it.

Mr. BROOKHART. I understood the Senator's suggestion was that fertilizer plants as they are now operated are using old and antiquated machinery?

Mr. BLACK. Yes, sir.

Mr. BROOKHART. And that they are charging too high a price for their product and the Government would have to enter into the business in order to reduce that price. If that be true, it seems to me the logical thing would not be to turn this plant over to the Cyanamid Co., which has not reduced the price to the farmer, but to have the Government itself operate it.

Mr. BLACK. There is no measure pending which proposes that the Government shall operate a fertilizer plant.

Mr. BROOKHART. The pending joint resolution so provides.

Mr. BLACK. Oh, no. It provides for experimenting in fertilizer and provides that every particle of the power, except a very small percentage, shall be sold under a 10-year contract. That is what it provides. If that power is sold under a 10-year contract, how is it going to be withdrawn in order to manufacture fertilizer?

Here is the serious objection I have: I would not have been going over this subject for such a long time if there had been some kind of proposition offered which guaranteed to the farmers of this Nation fertilizer at a reasonable price; but I am opposed to guaranteeing them a continuation of experimentation which has brought them no reduced price for fertilizer.

Mr. BROOKHART. The Senator from Nebraska just said that he thought the joint resolution as drawn gave authority to turn the plant at Muscle Shoals over to the Department of Agriculture for operation for the purpose of producing fertilizer, and if it does not do that he is willing to amend it so that it will accomplish that purpose.

Mr. BLACK. The joint resolution provides this——

Mr. BROOKHART. There need be no argument about that proposition. It could be amended at once by agreement in order to cover the point.

Mr. NORRIS. Mr. President, may I interrupt the Senator from Alabama there in connection with what the Senator from Iowa has said?

Mr. BLACK. I yield.

Mr. NORRIS. The respect in which I think the Senator from Alabama is mistaken is that he is advocating an impossibility. We can not make cheap fertilizer by passing an act of Congress and saying, "hereafter fertilizer shall be cheap." We can not convert a power proposition into a fertilizer-producing plant by hanging a sign on it and saying, "This is fertilizer; this is not power." The fact is that we will have to experiment to a considerable extent if the cost of fertilizer is to be very much reduced, and, it seems to me, we ought to face the situation. The truth is experimentation is going to be necessary to some extent. I think that the process of experimentation will go on for years, because all processes, even the most improved synthetic ammonia process, are still very technical and complicated, although they are being improved every day. The Congress can not perform an impossibility. If we could pass a law and say, "hereafter fertilizer, nitrogen from the air, shall not cost anything; it must be free because the air is free," and could make such a law effective, I would be very much in favor of enacting it, but we can not do an impossibility. If fertilizer can be manufactured now so cheaply that it is not necessary to experiment, there is no reason why we should legislate at all. Why does not the Cyanamid Co., to which the Senator is so anxious to turn over all this property, now make fertilizer and sell it cheaper to the American farmer whom they love so much?

I am not complaining that they do not. I have more respect for them than has the Senator, because I think they are up against an impossibility. We will have to experiment; we will have to improve whatever method we have, in my judgment, before we will very much cheapen fertilizer. We only make it difficult for ourselves and for the farmers of the country if we hold out false hopes. According to the testimony of all scientific men, what we seek is entirely possible; but we have to continue to study the problem. We have been improving the process every year, especially since the war, and doing wonderfully well at it; but it is still susceptible of improvement, and I think it is necessary that the process should be further improved before American agriculture is going to get much benefit out of it.

Mr. BLACK. Mr. President, the Senator has pretty clearly expressed the different views that he and I entertain on this matter. The Senator wants to go ahead with the experimentation and turn the power——

Mr. NORRIS. The Senator from Alabama does not want to experiment; he wants to make fertilizer now, as I understand.

Mr. BLACK. Exactly. I want to make fertilizer; I just started to state the difference between us.

Mr. NORRIS. I understand the Senator is opposed to any experimentation either by the Agricultural Department or anybody else at public expense for the purpose of reducing the price of fertilizer.

Mr. BLACK. I do not think the Senator understands my position.

Mr. SIMMONS. Mr. President, I should like to ask the Senator from Nebraska a question.

Mr. BLACK. I should like to proceed.

Mr. SIMMONS. I ask the Senator's permission that I may ask the question.

Mr. BLACK. Very well.

Mr. SIMMONS. I assume that the Senator from Nebraska has provided in his joint resolution or that some arrangement has been made to amend the joint resolution so as to provide that the income from the sale of power shall be devoted, so far as may be necessary, to the production of fertilizer for the farmer.

Mr. NORRIS. That is true; yes.

Mr. SIMMONS. Now I understand the Senator from Alabama makes quite a point of the suggestion that we are not proposing anything but experimentation. But here is a propo-

sition to provide for experimentation, to provide for the sale of such power as is not needed, and then to provide that all the income derived from the sale of power shall be used, so far as may be necessary or expedient, for the production of fertilizer. Why is not that a pretty sweeping and comprehensive scheme for the development of this industry, which he says is so essential in order to enable the farmer to obtain cheap fertilizer?

Mr. BLACK. Mr. President, that is absolutely sufficient if all a man wants to give to the farmers of America is experimental fertilizer on a small scale. I am not satisfied with that. I want enough fertilizer manufactured to carry out our promise to the farmer when we put up this plant, to help to reduce the price.

Mr. SIMMONS. May I ask the Senator one question?

Mr. BLACK. Yes, sir.

Mr. SIMMONS. Is there any reason in the world why American capital can not engage in the competitive production of cyanamide?

Mr. BLACK. I am not on close enough terms with American capital to speak for them.

Mr. SIMMONS. I am asking if there is any difficulty in the way of privately owned American capital engaging in the competitive production of cyanamide?

Mr. HEFLIN. Mr. President, if my colleague will permit me to interrupt him, the Cyanamid people own the patent.

Mr. SIMMONS. I anticipated that that would be the answer.

Mr. HEFLIN. And any concern doing business in the United States would have to pay them a royalty of a million and a half to two million dollars a year. If they come in and make this fertilizer they waive the royalty, and it does not cost the farmer anything.

Mr. SIMMONS. Mr. President, I anticipated that that would be the answer to the argument I made just a little while ago that if this cyanamide was so all-sufficient and so cheap, on account of the great demand for ammonia as a fertilizer, American private capital would be induced to go into that industry and supply the demand of the American farmer. Now the Senator says that no cyanamide is produced in this country, and he says that that is because foreigners own the patent and will not sell it.

Mr. BLACK. No, sir; the Senator is mistaken about that.

Mr. SIMMONS. Or that the patent is owned by somebody who will not sell it except at an exorbitant price.

Mr. BLACK. The Senator is mistaken about that.

Mr. SIMMONS. That is what the senior Senator from Alabama said.

Mr. BLACK. He did not say "exorbitant price."

Mr. HEFLIN. I did not say "exorbitant price." I said they own the patent, and they would charge for the use of the patent, and they have a right to.

Mr. SIMMONS. The Senator says they would charge for the sale, and then charge a royalty for the use of the patent.

Mr. BLACK. Would the Senator from North Carolina object to a man who owned a patent, who had bought it, getting money for the use of it?

Mr. SIMMONS. No; but what the Senator from Alabama is arguing here is that he wants Muscle Shoals for the purpose of making cyanamide.

Mr. BLACK. The Senator is mistaken.

Mr. SIMMONS. If the Senator is not making that argument, I do not know what sort of argument he is making.

Mr. BLACK. I regret that I have not been able to make myself clear to the Senator.

Mr. SIMMONS. What does the Senator want to do with Muscle Shoals?

Mr. BLACK. When the Senator from North Carolina completes his questioning I shall be glad to tell him, if he will just let me proceed.

Mr. SIMMONS. I should like the Senator to tell me what he would do with Muscle Shoals. I have stopped. I have asked my question.

Mr. BLACK. I want a manufacture of fertilizer that will reduce the price of fertilizer to the farmers of North Carolina and Alabama and the other States. That is what I want. I want a manufacture of fertilizer that will be sufficient so that the farmers of the South will not be ground down by the Fertilizer Trust that exists in this Nation, part of it in the State of North Carolina. I want, sir, to be able to manufacture fertilizer instead of using power, which the farmers do not need.

Mr. SIMMONS. Is not the Senator now insisting that Muscle Shoals is necessary to that purpose?

Mr. BLACK. That is exactly what it was built for. That is what the Senator from North Carolina voted for it to be built for.

Mr. SIMMONS. Exactly.

Mr. BLACK. That is what we have told the farmers it would be used for. That is what we tell them every year. That is what we tell them every time we come up here, and then we disagree on nonessentials.

Mr. SIMMONS. Then the Senator's position is that he is in favor of the Government's holding Muscle Shoals for the purpose of manufacturing cyanamide?

Mr. BLACK. No, sir; that is not my position at all.

Mr. SIMMONS. The Senator's whole argument has been made in favor of cyanamide. He has denied that any substitute for cyanamide could be produced in this country as cheaply as cyanamide can be produced.

Mr. BLACK. The Senator is mistaken about that.

Mr. SIMMONS. Or that it was as good when produced in this country.

Mr. BLACK. The Senator is mistaken about that.

Mr. SIMMONS. The Senator from North Carolina understood the Senator from Alabama yesterday to deny emphatically that the synthetic process was better than the cyanamide process.

Mr. BLACK. The Senator is partially correct in that understanding.

Mr. SIMMONS. The Senator's position now is, then——

Mr. BLACK. It has not been changed since the Senator from Alabama began.

Mr. SIMMONS. No; I do not know that it has, and I do not know that the Senate has understood the Senator's position. I have not exactly understood his position.

Mr. BLACK. I regret that. If the Senator will allow me to proceed, I will try to tell him.

Mr. SIMMONS. The Senator has been a day and a half at it now.

Mr. BLACK. No, sir; I have occupied the floor a day and a half, but I have spent about three hours answering questions.

Mr. SIMMONS. I find that other Senators as well as myself are very much mystified.

Mr. BLACK. That may be true. I do not claim to have any especial clarity of expression.

Mr. SIMMONS. But I understand now that the Senator's position is that we ought to keep all the power developed at Muscle Shoals for the purpose of making fertilizer.

Mr. BLACK. No, sir; the Senator does not understand me correctly. I will tell the Senator what I want. I want to use every kilowatt of that power that is necessary for the manufacture of fertilizer. That is right.

Mr. SIMMONS. I want to ask the Senator another question. Can not cyanamide be made by the steam process as well as by the hydroelectric process?

Mr. BLACK. Why, certainly, if you want to pay enough to manufacture your power; but it costs more to manufacture power by the steam process. Why use the steam process and force that extra gulp down the farmer's throat when you have this power that you promised him years ago you would give him?

Mr. SIMMONS. Does not the Senator know that practically all the synthetic ammonia that is being produced in this country at this time is produced by steam power?

Mr. BLACK. I do not know whether it is produced by steam power or not; but I know that it is not used in the manufacture of fertilizer.

Mr. SIMMONS. Does the Senator know of any synthetic ammonia that is produced in this country by water power?

Mr. BLACK. I will answer that when the Senator answers this question: Does the Senator know of any case where a farmer has had the cost of his fertilizer reduced at all by the synthetic process?

Mr. SIMMONS. No; I do not.

Mr. BLACK. Does the Senator claim that he can have it reduced by the synthetic process?

Mr. SIMMONS. No; I do not.

Mr. BLACK. The Senator just thinks it is impossible to reduce it anyway?

Mr. SIMMONS. No; the Senator does not believe that. The Senator believes that a very small quantity of either the synthetic ammonia or the cyanamide is used in the manufacture of fertilizer in this country. He is informed, and he thinks reliably informed, that it is not satisfactory, and that the fertilizer producers in this country are getting the bulk of their ammonia from nitrates imported from Chile.

Mr. BLACK. Suppose I let the Senator have the report issued by the Department of Agriculture, where they say this—if the Senator is not interested in it, of course I will not take the time to read it.

Mr. SIMMONS. I am interested in it. I should like to hear it.

Mr. BLACK. The department says:

It is estimated at present that at least one-half of the world's inorganic nitrogen comes from the atmosphere through nitrogen-fixation methods, as against only 7 to 8 per cent in 1913.

And I might state, for the Senator's benefit, that the country that has not advanced is the country in which we now live, the Cyanamid Co.'s plant being on the Canadian side at Niagara Falls.

Experiments to determine the effect of these concentrated air-derived nitrogen salts under American farm conditions have been made covering a period of several years with cotton, potatoes, corn, garden, and truck crops. These have been located on official test farms and on commercial farms on some of the principal soil types in the Eastern States. The effect of the air-derived nitro-salts, when used in mixed fertilizers with acid phosphate and potash, has generally been good, and compares favorably with nitrate of soda and sulphate of ammonia.

* * * * * * *

With potatoes, a crop requiring large quantities of fertilizers, the air-derived nitrogen salts have shown up well. Fertilizers having their nitrogen derived from these concentrated materials have produced as large yields as those having their nitrogen derived from nitrate of soda or sulphate of ammonia. This has proven true in all the large potato-growing sections of the Atlantic seaboard.

Mr. SIMMONS. Mr. President, I do not dispute that. I know that some of this manufactured material that is extracted from the air is being used. I know that it does very well with reference to certain crops; but I know that it is not being used to any very great extent. I know that the use of it at present has not had the effect of reducing the price of fertilizer to the farmer.

I am just as anxious as the Senator is that that great plant at Muscle Shoals shall be dedicated to the production of cheaper fertilizer for the farmer. No man in this Chamber is more anxious about that than I am; but I doubt very much whether at the present time we are producing nitrogen from the air at such a price as to enable the farmer, even if there were millions of tons of it produced, to get his fertilizer any cheaper than the price he pays for it now.

So that I am in favor of experimentation. I want the Government to undertake it and to carry it forward with efficiency and with zeal, so as to bring about some results; and I want the Government in the meantime to hold on to this Muscle Shoals property, and not turn it over to a power company in Alabama or anywhere else. If it wants to sell the power, let it sell the power for a limited term, and then use the income that is derived from that sale for the manufacture of fertilizer for the farmer until the expiration of the lease, and then use the power directly for that purpose.

Mr. BLACK. I think it might be pretty generally conceded that a man who voted and worked to have a power investigation by a Senate committee instead of by the Federal Trade Commission does not want to give it to the power company. I did that. I thought then it was a mistake to turn it over to the Federal Trade Commission, and I still think so. I do not want this power turned over to the power company. I stated that to the people of Alabama in my campaign, and I state it now; but I state to the Senator that if the joint resolution of the Senator from Nebraska goes through the power will go to the Alabama Power Co. and nowhere else.

So much for that.

Mr. BROOKHART. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Iowa?

Mr. BLACK. I yield for a short question. I want to get through.

Mr. BROOKHART. What I can not understand is that while the Senator is opposed to turning this plant over to the Alabama Power Co. he seems to be favorable to turning it over to somebody that is worse, I believe, namely, the American Cyanamid Co.

Mr. BLACK. I will explain that to the Senator very briefly now, just as I did the other day in talking to him.

Mr. SIMMONS. The Senator seems to be further opposed to the Government using it for the purpose of experimentation——

Mr. BLACK. The Senator is very badly mistaken.

Mr. SIMMONS. And leasing the power that is not needed in those experiments, and using the money derived from the sale of it for the manufacture of fertilizer. The Senator is opposed to the joint resolution of the Senator from Nebraska——

Mr. BLACK. Yes, sir.

Mr. SIMMONS. But what joint resolution or bill is the Senator in favor of? I do not know. He does not want the power sold. He does not want it used by the Government for purposes——

Mr. BLACK. Who said I did not want it used by the Government? Has the Senator heard me say that?

Mr. SIMMONS. I understood that the Senator was arguing against the experimentation.

Mr. BLACK. There is a good deal of difference between turning over some money to a few people to peer around in glass tubes, theorists theorizing around for 10 years, and turning over the plant to somebody to actually manufacture fertilizer that will benefit the farmers of the State where the Senator lives.

Mr. SIMMONS. I suppose, then, the Senator means——

Mr. BLACK. May I continue now, Mr. President?

Mr. SIMMONS. I will not interrupt the Senator any more. I suppose the Senator means this, then——

Mr. BLACK. I will tell the Senator what I mean if he will just ask me.

Mr. SIMMONS. I suppose the Senator means that he wants the Government to hold this plant and go to work at once and establish a plant down there for manufacturing cyanamide and utilize the whole power for that purpose.

Mr. BLACK. If it is of any interest to know where I stand on a question which is not before the body, I shall be glad to state it.

Mr. SIMMONS. I have not been able to find out yet.

Mr. BLACK. I would have been glad to tell the Senator if he had asked me. Of course, I could not read his mind and see what he wanted to know.

Here is the proposition:

That power was dedicated to the use of the farmer. If the Senator from Nebraska will amend his joint resolution and provide for the operation of that plant for the manufacture of fertilizer or the operation of another plant for the manufacture of fertilizer by the Government, although I think it would be wrong, although I believe it would be wasteful, I will sit down and not open my mouth against his joint resolution.

If the Cyanamid Co., which owns the patents—provided the proper contractual restraints could be placed upon it—with their knowledge of the business, and without having people appointed down there because they happen to be deserving Republicans or deserving Democrats, according to the party which happens to be in power, were to operate the plant as a cool financial business proposition, at 8 per cent profit, I believe the farmer would get more benefit from it. But what I insist on is the operation of that plant, Government or otherwise—and I favor otherwise—or another one that will produce just as much fertilizer for the benefit of the farmers, who are ground down under the heel of the trusts of this Nation. That is what I insist on.

I assume all of us have open minds. I am very glad, indeed, to have any question asked that I can answer. I can not answer them all satisfactorily or clearly, as the Senator has stated.

Mr. SIMMONS. The Senator has answered the question satisfactorily to me finally. His answer is that he wants the plant run either by the Government as a fertilizer plant, or he wants it leased to the Cyanamid Co.

Mr. BLACK. If there are any other bidders that will run it, yes; and I prefer private operation of the plant by a company that knows how to operate it. That ought to be perfectly clear.

Now, I want to call the attention of the Senate to this fact, that 460 pounds of concentrated fertilizer contains as much nitrogen and phosphate plant food as one ton of 3–11–3, regular fertilizer. The freight from Muscle Shoals to Lynchburg, Va., for instance, on one ton of ordinary fertilizer is $5.65. The same railroad would carry this 440 pounds of concentrated fertilizer from Muscle Shoals to Lynchburg for $1.39, or a difference in freight of $4.35. I call attention to that fact for the reason that there are a great many who have said, "What benefit would States far removed from Alabama get from this?" I will answer that. They would get fertilizer which could be shipped in two or three bags, instead of ten. Their fertilizer hereafter would not be three-fourths dirt, because they would get concentrated fertilizer, and mix it for themselves, and besides they would stop having to pay freight on dirt.

Mr. SMITH. What is the percentage of actual nitrogen contained in cyanamide?

Mr. BLACK. Cyanamide?

Mr. SMITH. Yes.

Mr. BLACK. I had the figures here and read them yesterday.

Mr. SMITH. My impression is that it is about 12 to 15 per cent. The lime content is what they call a filler. The Senator is speaking about concentrated fertilizer. That, as the Senator knows, is still in an extremely experimental stage. There was an attempt to get phosphoric acid with just pure sand in a superheated furnace, but they found that by treating the phosphate rock, even though there was a great percentage of iron in the rock, with the sand process they could get a perfect phosphoric acid. But the process was costly and did not turn out to be a practical commercial venture. They have gone back now to the old sulphuric-acid process of treating the phosphate rock with sulphuric acid, producing phosphoric acid, and that is the only practical process, so far as I have been able to gather the facts, by which you can get anything approximating the concentrate. The percentage of actual available soluble phosphoric acid, using that process, is only 16 per cent to the hundred pounds.

As to potash, which is the other ingredient, the only source that we have that is commercially feasible at all is the potash wells of Germany. It is so abundant and so cheap in its raw state that they bring it over here in the form of what they call "kainit" for less than $10 a ton. They bring it sometimes in ballast, and by utilizing nitrate of soda, kainit, or potash, and phosphoric acid you get the perfectly balanced fertilizer.

As the Senator maintains, we haul about 1,500 pounds of dirt in every 2,000 pounds, or every short ton, of fertilizer. But there has been no practical way up to the present, outside of the experimental stage in the laboratory down here, to find how to get a 100 per cent potash, 100 per cent phosphoric acid, and 100 per cent of ammonia. It is a very costly process. I think we will ultimately work up to that, and the farmers would be willing to pay for it, but under the terms that the Senator is fighting for and that I am fighting for we are to turn this over to the farmers of this country under the auspices of our Government and let them work out the problem of producing a cheap fertilizer for the farmers.

Mr. BLACK. Mr. President, I would like to finish by 5 o'clock. I appreciate the statement of the Senator from South Carolina [Mr. SMITH], because it is very enlightening; but I would rather, unless there are some particular questions that some Senators desire to ask, that I may proceed until I finish.

Mr. KING. Mr. President, may I ask the Senator one question?

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from Alabama yield to the Senator from Utah?

Mr. BLACK. I yield.

Mr. KING. In reference to the statement made by the Senator from North Carolina, I understood him to say that there was no product used by the farmers for fertilizing purposes that came from the cyanamide plant. My understanding is that the plant at Niagara Falls producing cyanamide——

Mr. SIMMONS. I did not say that. The Senator misunderstood me.

Mr. KING. I understood the Senator to say that.

Mr. SIMMONS. I said there was a very small percentage, and that it did not cheapen the fertilizer to the farmer at all.

Mr. KING. I do not agree with the Senator in that statement; but my understanding is that the cyanamide plant does transship a considerable quantity to Warners, N. J., and there fertilizer is made from the nitrogen which is gathered from the air by the cyanamide plant at Niagara.

Mr. BLACK. That is correct.

Mr. KING. That the cyanamide process is a failure I do not think can be supported by a fair examination of the facts and the scientific investigation which has been made.

Mr. SIMMONS. What I said about that was, that according to the figures stated by the Senator from Alabama himself, there was only about 55,000 tons of cyanamide imported into this country, and that all of that was not used for fertilizer, but a good part of it was used for fertilizer. But that was a small percentage of the total amount of ammonia used in fertilizers in this country. That is what I said with reference to that.

Mr. HEFLIN. Mr. President, if my colleague will permit me just there, pertinent to this question, at Muscle Shoals—and I want the Senator from Utah to hear this——

Mr. KING. I am listening.

Mr. HEFLIN. They used a cyanamide fertilizer, they used cyanamide made at Muscle Shoals, with the other ingredients, on an acre of ground, and that acre of ground produced 2,300 pounds of lint cotton. Alongside of that acre no fertilizer was used, and the unfertilized acre produced 100 pounds of seed cotton. This 2,300 pounds of lint cotton was made on one acre where the cyanamide fertilizer was used.

Mr. BLACK. Mr. President, I am not going to quarrel with anybody over the fact that fertilizer has not been reduced in price. It has not been, but I claim that if the facts show that the price can be reduced, to turn this power over for the use of industry is a crime against the American farmer. That is all I am talking against. I say that the vote on this power resolution will distinctly show the farmer more clearly than professions, whether a man stands for the use of the farmers' power for use in industry or for fertilizer for the farmer.

There is no doubt but that phosphoric acid can be manufactured at Muscle Shoals by the use of electricity. That is recognized to-day as a method of its production. It would require about 180,000 horsepower to produce enough phosphoric acid to mix with the nitrogen.

I just want to give a few more figures about this shipment of the concentrated fertilizer to show that if you really want to distribute this power the only way to do it is to put it in fertilizer. You can not distribute it as power. Not much of it will get out to Arkansas if you are going to put it on the wires of the public utility companies. But it will, under the administration of the farm board, if you put it in fertilizer.

One ton of mixed fertilizer shipped to Albany, Ga., would be $4.50, as against $1.05 for 460 pounds of the concentrated product, or a difference in freight of $3.55.

The freight to Jackson, Miss., on 1 ton would be $3.95, and on 460 pounds it would be 90 cents, or a difference of $3.05 in favor of the concentrated product. I say to the Senators from Mississippi that if they want to save the farmers in their State money the way to do it is to save it on fertilizer and not on power. Do not be fooled by the statement that when this electricity gets on the wires of the public utility companies it will reduce the price of electricity a dime. It will not do it.

On March 26, 1925, a committee was appointed to investigate the entire Muscle Shoals situation. Considering the operating costs of nitrate plant No. 2, basing the operating expenses upon the figures reported by General Williams and Colonel Burns, after a test run at the plant, taking into consideration the costs of operation and the freight, this committee reported that the average saving to the farmers in the various States would be 43.4 per cent.

Senators talk about nonpartisan evidence, they talk about evidence that is not bound down by contractual ties to the Cyanamid Co. This was a committee appointed by the President of the United States. On this committee was a distinguished chemist from Yale University and a former distinguished Senator of the United States. On it were others, and they reported—and I have the figures here, and their reports—that if this plant were put into operation it would reduce the average price of fertilizer to the farmers of this Nation 43.4 per cent. Yet we hear somebody say, "I want power. I want power in my State. I do not want fertilizer; I want power."

Some of the Senators present may be interested in what this nonpartisan committee found this action would save the farmers in their States. Let us look down the list. For instance, Alabama, 44.1 per cent; Connecticut, 47.3 per cent—it even extends as far as Connecticut; Georgia, 44.2 per cent; Indiana, 46.9 per cent. Getting on down, we find that the biggest saving they figure was for Louisiana, by reason of the fact that they could ship by water. That saving would be 54 per cent.

Mr. HEFLIN. Does it show Michigan?

Mr. BLACK. In Michigan they found it would save them 45.1 per cent. This was a nonpartisan board, not a board of cyanamide experts, not a board of synthetic experts, not a board composed of people who wanted Government operation, but of people who did not want Government operation. It was not a board composed of people who were going to discuss the varying merits or demerits of one or the other process, when the very life of the farmer was at stake. It was a nonpartisan board. Yet Senators still say that it is a question of the plant being "obsolete," after a board appointed by the President of the United States, without any evidence of partisanship on the part of the board, comes to this body and says, "It will save the farmers of North Carolina and of South Carolina more than 45 per cent."

Mr. HEFLIN. Does it give Texas?

Mr. BLACK. They do not buy much out in Texas. They buy so little the board did not even figure it out. But a great deal of it could be shipped down there by water.

Now, I want to call attention to what General Williams said in his report on the test. This is not the Cyanamid Co. Gen-

eral Williams is not connected with the Cyanamid Co. This is the statement of the Chief of Ordnance of the United States Army, as I understand it.

General Williams in his report made February 19, 1927, after the test had been held, figured that nitrogen could be made at Muscle Shoals at 8.57 cents per pound. Now, I hope Senators will get that figure.

Mr. NORRIS. Mr. President, will the Senator permit an interruption there?

Mr. BLACK. I yield.

Mr. NORRIS. Is the Senator aware that nitrogen can be produced from the air by the synthetic process for practically half that cost?

Mr. BLACK. No, I am not aware of that, but I am aware that it has not been done so far as the farmer of America is concerned.

Mr. NORRIS. Yes; it is being done now.

Mr. BLACK. Is the farmer getting any of it?

Mr. NORRIS. Probably not. Does the Senator expect——

Mr. BLACK. No; the farmer is not getting it largely because, in my judgment, the Senator from Nebraska has fought the Ford offer, honestly and conscientiously of course.

Mr. NORRIS. All right. I want to ask the Senator if he expects to reduce the price of fertilizer to the farmer on the nitrogen contents by charging over 8 cents a pound for nitrogen.

Mr. BLACK. Of course I could.

Mr. NORRIS. The Senator can not do it. It is a physical impossibility.

Mr. BLACK. The farmer is paying 15.5 cents now.

Mr. NORRIS. If we get nitrogen for 8 cents a pound at Muscle Shoals, we have increased the cost of fertilizer instead of decreasing it at the present market.

Mr. BLACK. He is paying 15.5 cents; and if 8.7 is not less than 15.5, then I do not know my arithmetic.

Mr. NORRIS. There is no use in anyone paying over 8 cents a pound for nitrogen.

Mr. BLACK. He is paying $47 a ton port prices on Chilean nitrates, and that figures out, on the basis of the nitrogen content, 15.5 cents per pound. While this is actually 1 cent more than it sells for at Warners, N. J., manufactured by the cyanamide process, it is 6.58 cents cheaper than the farmer actually pays for Chilean nitrate to-day—that is, if he gets it under the cooperative method at $47. I had a telegram yesterday from a farmer in my State in which he stated that he had paid $60 for Chilean nitrate.

Mr. NORRIS. Mr. President, will the Senator allow me to ask him another question? Let me ask the Senator if the Cyanamid Co. is getting nitrogen now for 1 cent less than 8 and a fraction cents, why is the price of fertilizer so high?

Mr. BLACK. I explained that twice while the Senator was out of the Chamber and I would rather not go over it again.

Mr. NORRIS. The Senator never made an explanation that will stand.

Mr. BLACK. The Senator is taking judgment without having heard my explanation. He does not know how good it was.

Mr. NORRIS. If the cyanamide people now can make nitrogen so much cheaper than anybody else and have such wonderful capacity to make it, I can not understand why they sell to and deal with the Fertilizer Trust instead of selling direct to the farmer.

Mr. BLACK. I have explained that. What I want to do is to make them deal with the farmer.

It is also interesting to note that the Muscle Shoals Commission, in reaching its conclusions of 43 per cent saving to the farmers in the use of ammonium phosphate, figured its cost at $70.23 and it is now sold in the open market for $64.40

In the estimate of General Williams of cost at Muscle Shoals he includes royalties and operating fees. If these are excluded his figure for the cost of pure nitrogen is 7.9 cents. In other words, if the company that owned the royalties were operating it and we waived the royalties, General Williams's figures would be reduced to 7.9 cents, while the Cyanamid Co. actually sells it now at 7.6 cents per pound. Each penny of reduction in the price of nitrogen, on the maximum production of 50,000 tons at nitrate plant No. 2, means $1,000,000 saved to the farmers.

Mr. NORRIS. Mr. President, will the Senator permit another interruption?

Mr. BLACK. I will permit this one. I stated while the Senator was out that I wanted to finish, and asked not to be interrupted further.

Mr. NORRIS. Then I shall not interrupt the Senator again after this one.

Mr. BLACK. That is all right.

Mr. NORRIS. If the statement be true as the Senator has just made it, then the thing I can not understand is, with that terrible reduction, that awfully cheap price for nitrogen that the Cyanamid people are producing, why there can possibly be any complaint about fertilizer being too high.

Mr. BLACK. I shall be glad to explain that to the Senator and then I shall ask to be permitted to proceed.

Mr. NORRIS. What I am trying to do is to reduce the cost of extracting nitrogen from the air, and I think we have got to do it in order to get the price of fertilizer down where it ought to be. These other or newer plants are doing that very thing wherever they are established.

Mr. BLACK. I will state it again for the Senator's benefit. The Cyanamid Co. is not making enough fixed nitrogen to sell all over the United States. That which they have sold has been sold, as the Senator stated, to the fertilizer factories, and the profits have gone not to the farmer, but to the factories. That is correct. What I want is to make some provision for the synthetic process or some other process whereby the profit will go to the farmer rather than to the factory. Now, I must proceed.

If, therefore, General Williams is correct in his figures of 8.7 cents per pound, the American farmer would save $6,450,000 every time the plants produced 50,000 tons. Taking his own report and figuring it out for themselves for their own States, Senators will see that this is the result they get. Let them then figure on what the farmers of their States are paying to-day and go back to them, if you please, and tell them, "I found that under the estimate of the engineer who made the test, it would save you a million dollars, but I would not vote for it because I wanted it to attain perfection."

If Colonel Burns is correct in his report of 1920, as to the cost of producing ammonia gas, the production price of pure nitrogen would be 8.3 cents, or 6.85 cents less than the price of Chilean nitrate. On the output of plant No. 2, this would save the American farmer $6,850,000 on each 50,000 tons if it were turned loose on the market, besides the indirect benefit that would be received from causing the fertilizer trust to reduce its price.

Mr. NORRIS. Mr. President, may I indulge in just one more question?

Mr. BLACK. I yield for one more question.

Mr. NORRIS. The Senator has referred to Colonel Burns. I would like to make him a proposition.

Mr. BLACK. I do not care for a proposition. I yielded for a question.

Mr. NORRIS. I will state now for the RECORD that if the Senator will agree with me that Colonel Burns shall be sent for to appear before the Committee on Agriculture and Forestry, or any other committee, and if Colonel Burns shall state that, in his judgment from his study, we can use nitrate plant No. 2 as it stands and make fertilizer cheaper for the farmer than we could by the synthetic process of getting nitrogen from the air, I will agree, so far as I am concerned, to withdraw my resolution and to resign my seat in the Senate.

Mr. BLACK. I do not care whether he swears it could be made cheaper by the synthetic process or the cyanamide process. I do not care one particle which process we use. I do not need him to come here and testify after years of thought. I have his testimony.

Mr. NORRIS. I have his testimony, too, over and over again.

Mr. BLACK. I have it, and it shows as I have stated.

Mr. NORRIS. I can produce it. I do not agree with the Senator, but I do not care which process is used. I want to use the cheapest process, and I know, from my association of years in a study of this question with Colonel Burns, just what he thinks about it and what his study has led him to.

Mr. HEFLIN. I suggest that Colonel Burns contradicted himself on my interrogation before the committee.

Mr. BLACK. Mr. President, I do not care to yield any further. I will state that if there is any Senator here who doubts what Colonel Burns has testified and put in the record, that ammonium, can be produced by the process stated, if he will get the hearings before the Committee on Military Affairs on House bill 16396, Part I, 1927, and turn to page 1065, he will find that that is what Colonel Burns said it would take to manufacture the nitrogen. He will find further that if that profit went to the farmer on the cyanamide process as tested by him, the farmers of the South would have saved $6,450,000 this last year.

I am talking in the interest of the people, not the big farmer who owns 18 cows and has his cows milked by electricity. I am talking in the interest of the great unorganized mass of farmers, many of them rental farmers. I want to state to the Senate that in my own experience I have known farmers in the county in which I was reared who came to town in the fall of the year and sold their cotton, and when they paid off the mortgage that was already on the crop and paid for the

fertilizer they did not have a dime left to buy food and clothes for the children in the next year. Then tell me, with circumstances like that all over the Nation, especially in the land of the South, that it is fair or it is right or it is just to deprive the farmer of the reduction which we know he will get if we take every word of Colonel Burns's statement as true and say "No! We want power, we want power!" I ask Senators after they have given the farmer the benefit of cheap power, that they shall pass another law reducing to him the price of silk hats and evening clothes and Lincoln automobiles.

What do we find about a shortage of power? There is a lot of propaganda going on down south in Alabama. I made my statement about it when one of the Senators from Mississippi was away. So far as I am concerned, I think it would be an outrageous piece of legislation to tell any State that any natural resource within its borders had to go, by legislative mandate, into another State. But if we can get a fertilizer factory operating in Alabama, operating there with this power which is dedicated to the farmers' use, so far as I am concerned, I am willing to yield that point about the so-called equal distribution of the assets of one State and sending them into another State, and let it go in just as the Senator from Mississippi or Louisiana or any other State wants it.

What we want is not power. We want fertilizer. I am going to show the Senate that if the power went into the wires we would not get a reduction, in spite of the fact that power companies have been sending out propaganda to Senators and Congressmen from various places that the rate to the public would be lowered.

I hold here in my hand a lot of documents that came to me from Alabama, sent out by a power company to the farmers of Alabama. These documents argue against the use of Muscle Shoals for fertilizer, claiming it can not be done.

It is alleged that there is a shortage of power in the South. That statement is absolutely baseless propaganda. I hope Senators will listen to what I am about to say, especially those who claim there is a shortage of power in the South.

In a special southern issue of the Manufacturers' Record for December, 1924, there appears an article by Mr. Thomas W. Martin, president of the Alabama Power Co., with reference to the large interconnected power companies' survey of the Southern States and their future requirements. Mr. Martin therein states that the total additional power needed to supply the needs of these companies for the supply of the States they serve is 1,071,000 horsepower. Maj. Harold C. Fiske, of the United States Engineer Corps, made a survey of the Tennessee in November, 1925, and reported that 13 sites on that river, not including Dam No. 2 and Dam No. 3, would produce 1,125,000 continuous horsepower. The latest report made by the Secretary of War last week of 88 sites, with 28 still to be investigated, shows the potential power of the entire basin to be 3,900,000 continuous horsepower. With 30 per cent of the potential water power of the Tennessee Basin, therefore, the needs of the companies set out by Mr. Martin could be met for 20 years, leaving 70 per cent of the power to waste.

Note that statement, Senators! With 30 per cent of the potential power of the Tennessee Basin alone, leaving out the Coosa River, where they have dams, and the Tallapoosa and others, they could supply for 20 years every Southern State that gets power from these companies, and yet it is claimed that there is a shortage of power. That is just one river, too.

The latest report of the total primary power available under the joint resolution of the Senator from Nebraska is 187,000 horsepower, as I understand. He fought for a bill last year which I think was better than this joint resolution; but the pending joint resolution does not provide for the building of an additional dam at all; it does not provide for the building of Dam No. 3 or Cove Creek Dam. According to Colonel Tyler, the total primary power from the river at Muscle Shoals to-day, 100 per cent of the time, is 67,000 horsepower. Under the Senator's joint resolution that is all the power that will be produced, except from the steam plant; and by the steam plant, according to the figures, it costs 4 mills an hour to produce it, but the primary power available at that dam under the joint resolution of the Senator from Nebraska, with no improvement, is only 67,000 horsepower. That does not sound like any tremendous power that ought to be divided out equally among all the 48 States; and, of course, if it ought to be legislated to one of them, it ought to be legislated equally to all of them. That is all right so far as that is concerned. If they give us a fertilizer factory, we do not object to that. But Wilson Dam, or Dam No. 2, cost the Government, at peak prices for labor and material, $43,388,000, of which $27,500,000 is chargeable to power development.

There is also a completed steam plant built at a cost of $12,326,000. The actual primary power the dam now constructed is capable of producing is 67,000 horsepower, and the steam-plant capacity is 80,000 horsepower. Under the joint resolution of the Senator from Nebraska there is no other development of any kind or character, as I understand, of that dam or of any other dam.

Under the joint resolution of the Senator from Nebraska there will be only a primary water-power production of 67,000 horsepower 100 per cent of the time. Power can not be sold to the public unless it is available 100 per cent of the time—we all know that—unless some day we may utilize the system about which the Senator from Nebraska has spoken of, interconnected wires, which would be a wonderful thing to take advantage of in various districts. I agree with the Senator fully that when that time comes there will be a saving, and it will come, of course, when there shall be a scarcity of water. Remembering there will be a production of only 67,000 horsepower—hydroelectric—under the Senator's joint resolution, it is interesting to note that Birmingham alone in 1925 used about 69,000 horsepower at its peak consumption; that Memphis uses 51,600 horsepower continuously, making necessary the installation, so as to have it available at all times for peak use, 86,000 horsepower. So under this joint resolution neither of those two cities, for instance, Memphis and Birmingham, which want this power could get quite enough primary horsepower to supply their needs. Every other little municipality that wanted to obtain power from this source would be cut off the moment it was given to Birmingham or Memphis. Of course, if the Government contracted to supply them with power it would have to have it available at all times. When it is considered that the amount of this hydroelectric power is but 3.35 per cent of the total developed power of the associated power companies when they submitted their bid for Muscle Shoals in 1926, how small it is to hold up in a great legislative body legislation which would benefit the farmers by reducing the price of fertilizer because somebody, in some particular State, may want a part of that 3.35 per cent of power.

The combined production of both the steam plant and Dam No. 2 is only 6.3 per cent of the 1926 power development of the associated power companies. Who, therefore, believes that the power from Muscle Shoals would decrease the price to the users?

I call attention to the fact that under the joint resolution of the Senator from Nebraska it is provided that municipalities shall have the preference. The Senator from Mississippi [Mr. HARRISON] has offered an amendment which, as I understand it—and if I do not understand it correctly, I should like to be corrected—will take away that preference. Under the joint resolution of the Senator from Nebraska, according to my belief, in practical effect the power would very shortly go to the Alabama Power Co. for two reasons: First, most of the municipalities in the surrounding sections have contracts with power companies. That, unfortunately, is true. I agree with the Senator from Nebraska in all he has said as to the value that ownership of public utilities by municipalities has had in this Nation in bringing about a reduction in the price of power. I have no controversy with him whatever on that point; but under the proposed law with these municipalities unable to take advantage of it, the Secretary of War, of course, would not wait long before selling the power to the Alabama Power Co. That is what would happen under the joint resolution. Of course, under the amendment proposed by the Senator from Mississippi it would have to go to the Alabama Power Co. Therefore the question arises, under either measure would the price of power be reduced? If any Senator believes that the Alabama Power Co. will reduce the price of power when they get it on their wires, I advise him to read the opening lines of Doctor Johnson's Rasselas, and I say to him, just as Doctor Johnson remarked—

> ye who listen with credulity to the whispers of fancy and pursue with eagerness the phantoms of hope, who expect that age will perform the promises of youth, and that the deficiencies of the present day will be supplied by the morrow attend the story of Rasselas, Prince of Abyssinia.

Those who look far out into the future and paint pictures and dream dreams will be dreaming a long time before there is a penny's reduction in the power that goes to Arkansas, Mississippi, or Tennessee by reason of the fact that the power from Muscle Shoals has been put into the hands of the public utility companies. I agree with the Senator from Nebraska completely to the effect that there will not be a reduction of a dime to any consumer if this power gets in the hands of the power companies for distribution.

Why do I say that? I say that because they said it themselves. They did not say it when they were talking to a Senator and telling him, "We want you to remember that if we

get this power we will reduce the price of the power to the consumer"; but they said it before the State board of public utilities in Alabama when they were asked the question, "Will you reduce the price of power to your customers if you get Muscle Shoals for your benefit and use?" Here is what they said. I have telegrams about it.

I call the attention of Senators from Mississippi, Arkansas, Georgia, and the other States to this telegram. The Alabama Power Co., as those Senators know, is linked up with companies in their States, and this gentleman had authority to speak not only for the power companies of Alabama but of Mississippi and Georgia and Tennessee and the other States. When asked whether or not the acquisition of Muscle Shoals would reduce the cost of power to the people, the representative of the company said:

I don't believe so. The Muscle Shoals plant apparently has been dedicated to the farmer to a great extent, and I don't believe we can ever get away from it.

Let me refer to what they said when they were bidding for Muscle Shoals. When they were asked the question whether they would reduce the rate, Mr. Martin, who had already testified before the committee, said:

Sir, it may take the entire primary power of 200,000 horsepower; it may take a nominal amount—

He did not know which.

You know there are great developments in the chemical industry.

In other words, he did not know whether it would take a great amount or a little amount.

My contention is that under his offer it would have taken a very nominal amount, because there was not any fertilizer guaranteed under it, but he did not know whether it would take a nominal amount or a big amount. When, however, he was talking before the Alabama Public Utilities Commission with reference to the benefit the farmers of Mississippi and Georgia and other States would receive if they got that great power project, he said:

No; I do not think it would reduce the price of power.

And in that I agree with him. That being true, what hope is there of the surrounding States of getting any benefit from this power unless it is transferred into fertilizer? That is the only point on which the Senator from Nebraska and I differ. He does not believe it can be done, while I do. I agree with the remainder of his remarks. I would be perfectly willing if the fertilizer plant were to be operated, for the remainder of the power to go to the municipalities, and would be delighted to see that done. I do not agree with the views of the Senator from Nebraska about that. I appreciate the fact, even though he takes a stand which is contrary to mine and contrary to that of the vast majority of the people of Alabama that he has waged a conscientious fight and has fought with the belief that his side was right, and, even though he lived in the far West, he has taken sufficient interest in the South at least to understand, according to his best judgment, the principles involved in this great plan. I appreciate the extent of interest he has shown in it, although I do not agree with his viewpoint. The only difference we have is this: I believe that for the manufacture of fertilizer under a chemical process, which as he states, is constantly changing, a private company that is in the business would more likely benefit the farmers than would the Agricultural Department of the Government.

I agree with his former colleague here, the late Senator from South Dakota, Mr. Ladd, as to that. Former Senator Ladd said, "while I agree with Senator NORRIS's idea of Government ownership in the main, I would not want to see the Government start out in the very hazardous business of manufacturing fertilizer and electrochemical supplies."

Mr. President, I am just about through; I merely wish to make one or two additional statements.

A great deal has been said about the cyanamide process. As I have said, I do not care to go into any controversy as to which process is the most successful. My judgment is that the price of fertilizer can be reduced by both or either. My judgment is that it is unfair to the American farmer to tie this power up for 10 years while we experiment and try to secure perfection, instead of absolutely going into the manufacture of fertilizer to-day. That is my main objection to the joint resolution of the Senator from Nebraska.

I call the attention of Senators who think that that measure provides for fertilizer that it does not provide for fertilizer for actual sale and use and consumption by the farmers of the South. It provides for experimenting and manufacturing a little fertilizer. It does not provide enough power to manufacture fertilizer to supply the farmers of the South, nor does it give even a faint ray of hope that they will get any fertilizer under it for 10 years. It does not settle the Muscle Shoals problem. It ties it up again for 10 years and places that power down there, in its last analysis, not in the hands in which the Senator from Nebraska conscientiously wants it to be placed, namely, in the hands of municipalities, but places it, practically without any interruption, into the channels of trade through the public-utility companies of the South. That is where it will go.

The objection we have is that instead of guaranteeing the manufacture of fertilizer it does exactly the contrary, and provides that for 10 years this plant, which is dedicated to the American farmer, shall remain idle so far as the manufacture of fertilizer is concerned, and it tells the department of the Government engaged in experimentation, and which has been experimenting, I imagine, for 40 years under appropriations from the Government to go on and experiment some more. It would not reduce the price of fertilizer a dime.

What has been done in Germany? They have driven Chilean nitrates off the market, while we over here have sat with folded hands and waited on vain dreams and on experiments. Germany, war-torn as she was, rose from her ashes and drove Chilean nitrates out of her borders, and fertilized the lands of the people of Germany with nitrogen fixed from the air. What do we do 10 years after the war, despite the lesson we have had, and with the knowledge that one of the first naval battles of the war was fought off the coast of Chile? We spent billions of dollars for ships and guns and now are quarreling and squabbling over whether or not the Government might lose a few dollars if it should operate the plant at Muscle Shoals.

While we are doing that, Germany, with whom we were at war, utilizing her experience, does not experiment but drives Chilean nitrates out of Germany. America, instead of doing what it ought to have done, namely, operate this plant and use this power which was dedicated to the purpose of fertilizer and of war material; instead of proceeding on the upward way with reference to the electrochemical industry; instead of learning the lesson which it should have learned from the fact that it was without explosives necessary to fire a gun when war was declared, America sits with folded hands and argues as to the various methods, the synthetic and cyanamide processes, and proceeds to experiment some more. We wait 10 more years, with this power tied up, going into the hands of the public utilities eventually, not for the benefit of the farmers or the people but to increase their profits. We sit here and wait and say, "What will you do?" The farmer looks up to this Congress and he says, "There is hope. There is friendship. Every one of them proclaims friendship for me every day. Oh, they are going to do something for me."

Do they do it? With the fact before us from the speech of the Senator from Nebraska himself that Germany is manufacturing nitrates from the air, and with the further fact given to me by the Department of Commerce that they have stopped shipping Chilean nitrate into Germany, we do not propose to use the plant for that—oh, no! We are going to let the wheels remain idle while people experiment around, not to give anybody fertilizer at a cheap rate—oh, no!—but simply to theorize some more as we try to attain perfection.

If when Benjamin Franklin put his kite into the skies we had proceeded with the same caution that some want to manifest now and experimented and experimented until we got perfection, no kilowatt of electric power would ever have turned a wheel and no great industry would ever have been moved by the power that comes from the rolling waters of Niagara. That is what the joint resolution of the Senator from Nebraska proposes, and that is why we are against it—against it to the death.

You who are not interested in fertilizer, you who have not seen the pain and anguish of the people whose backs are bent under the load—you may vote us down, and you may say to the farmers of the South, "We want to wait. Seven million five hundred and fifty thousand dollars a year is not enough to save you. We want to wait until we get to where we can save you $100,000,000." Then when the farmer comes in after a hard day's work following a mule on some red-clay hillside and finally puts his tired limbs to rest on an old-fashioned feather bed he can lie there and pass into dreamland, with the sweet hope and fancy that Congress at last has done something which will guarantee that his children's children's children's children may some day get fertilizer as cheaply as they are getting it in Germany to-day. That is the Senator's joint resolution, and that is all it provides.

I challenge any living human being to examine that joint resolution and find any fertilizer for the American farmer. I challenge any man to examine any bill that has been offered, any amendment that has been offered, and find where the man who

toils behind the plow is going to get anything but words—vain, empty words, that sound like tinkling cymbals but bring him no help in time of trouble and do not raise his weary limbs an inch on the way of progress and prosperity.

This Congress has a chance to prove that it is something more than a professed friend of the farmer. I want to state, so far as other bills in the Senate are concerned, that I will vote for any measure that is proposed for the farmer unless I am convinced beyond a reasonable doubt that it does not offer him relief. I am going to do it because of the fact that to-day while every other business has marched forward by leaps and bounds, the farmer is loaded down with fifteen billions of mortgages; the farmer is paying in some States, as in Michigan, according to published reports, 67 per cent of his net profits in taxes; the farmer is borne down by the weight of increased transportation rates, shipping 11 per cent of the produce of the country, and paying 19 per cent of the revenue. Everything is bearing down upon him, and yet he is going out into the market and purchasing under a protective system that makes him pay his hard-earned dimes and pennies for aluminum dippers and pans produced by a concern protected as an "infant industry" that has grown into such stupendous proportions that it stands like a giant colossus astride the world; and then what do we do? What do we give him? Words—vain, empty words!

We come in and say, "There are two processes by either one of which—or at least one of which—you can get fertilizer cheaper." Do you give it to him? No! What do you do? Why, you tell him you are his friend!

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER (Mr. WATERMAN in the Chair). Does the Senator from Alabama yield to the Senator from Iowa?

Mr. BLACK. Yes, sir.

Mr. BROOKHART. After listening to another great Alabaman, the Senator's predecessor, Mr. Underwood, it seems to me that the vain words have been largely because all the time we have been trying to deliver this great national resource to some private institution, instead of going ahead and doing the beautiful thing that the Senator has outlined.

Mr. BLACK. I will repeat what I said awhile ago: I believe that a private institution could operate a fertilizer factory better than the Government.

Mr. BROOKHART. But if we are going to do these things that the Senator suggests we ought to go ahead and do them, even though we can not do them so well as the private institution.

Mr. BLACK. Yes, sir; and I will say that I am anxious and ready and willing to meet with Members of this body on any common ground where we can stand and pass any law that will reduce the price of fertilizer, either by Government operation or private operation. If that is plain enough, that is where I stand. I do say, though, that instead of going off on theories and one sticking to one theory and the other to the other theory, and letting 10 years pass by—long, weary years, filled with 365 days of labor to the man behind the plow, filled with 12 months of anguish to know whether or not the products that he raises on the land will be sufficient to pay the fertilizer bill, 10 years filled with all these things and 10 years in which the Government has neglected to perform its duty to prepare for war in time of peace—I say that the time has come when people should give up their pet theories and stand on common ground, as I am willing to do on anybody's bill that will guarantee to the fertilizer users of the South that they are going to have fertilizer manufactured by any kind of process that will reduce the price to the man who labors.

Mr. BROOKHART. The Senator mentions 10 years in which the Government has neglected its duty. That has been 10 years of fighting these private interests that have been trying to Teapot Dome Muscle Shoals; and it has been 10 of the best years of fight that the Government ever put in. It is the greatest fight that has ever been made in the history of the United States Senate.

Mr. BLACK. That is one time that the Senator and I do not agree, and I will state why.

If the Government is not capable of drawing a contract with a private individual or corporation that will protect the Government from repetitions of Teapot Dome, then the Government is in the hands of men whose intelligence really is not equal, as the Senator said yesterday, to that of the man whose brains would fill a teaspoon. If the time has come when the Government has nobody in its employ who can draw a contract that will so restrict the rights of private capital in its operation of public assets that it will protect the rights of the Government and the people, then the time has come to discharge those men who are incapable of drawing such a contract and to employ some who can.

Senators, that is the situation. I present it to you. I have done it with great diffidence, owing to my short service; but it is a matter in which the people of the State which I in part represent are vitally interested. It means more to them than any other one question which can be raised. It offers to my friends back down there—the people who live far out in the hills and valleys and pursue a course of life which is their own, who constitute the backbone of this Nation, and who have been borne down by overwhelming prices of fertilizer—the only ray of hope which they see in the sky.

I know that the Senator from Nebraska thinks his measure is the best; but I would that he could go with me back down there into those hills at a time when the cotton has just been picked, and go with me into the little town where they sell the cotton, and look into the faces of those people who have mortgaged the very mule they drive, and who have mortgaged the very cow that they do not milk with electricity, but milk with their hands, who have mortgaged them in order that they may get their daily bread; and I wish then that my friend could go with me at a time when they are going to pay the fertilizer bill that bears down on them, and then see if he would come back and say that any scheme would be robbery or fraud which would reduce to any appreciable extent the burden of the man behind the plow—not experiment, but actually reduce it.

I will state this for the Senator from Nebraska and all the other Senators: I will support any measure which the Senator offers or which any other Senator offers on this floor which, in my judgment, guarantees to the American farmer the production of fertilizer in such quantities as we proposed to have it produced down there. I care nothing for the power. It is infinitesimal in importance to the great and overwhelming question which confronts the farmers of Mississippi and Alabama and Georgia and Virginia and North Carolina. The man who would permit himself to go upon the theory of power, and more power, and benefit the industries of the Nation, and forget the farmer—the one class of citizenship in this Nation that is laboring under burdens which are too heavy for it to continue to bear—that man surely could not say, "I love the farmers of my State." We care nothing for power.

I conclude my remarks with this statement:

So far as the power is concerned, if you give us fertilizer, and if Mississippi, for instance, should demand every kilowatt of remaining power, in God's name let them have it; but first give to the farmers of the Southland and of America the benefit which they have been led to believe they would receive; and prepare now, before any war clouds appear on the horizon, for the time when the big guns and ships which we have built at an expense of billions of dollars may be called into use. Ships and guns without explosives are vain and useless. Let us not permit this plant to stand idle which should mean protection in war and joy to the farmer in peace.

In conclusion, I beg and plead with the Members of this body, those who really have the interest of the farmers of America at heart, to find something better than a mere experiment for 10 years. When you find something that will give the farmer fertilizer I will go with you as far as you desire on every other provision of your bill.

WAR DEPARTMENT APPROPRIATIONS

Mr. REED of Pennsylvania submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 14, 17, 23, 24, 27, 38, 51, and 52.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 12, 13, 15, 16, 18, 19, 20, 28, 29, 30, 31, 32, 34, 35, 40, 41, 44, 46, 47, 48, 49, and 53, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$69,740"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the

sum proposed insert "$10,274,278.50"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,464,551"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$529,500"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "as amended by the act approved February 18, 1928, and including $310,000 for Walter Reed General Hospital as authorized by the act approved February 18, 1928"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", and in addition to the sum of $1,736,619, there is hereby reappropriated the following unexpended balances of continuing appropriations: 'Cantonment construction, Panama Canal,' $204,546.61, and 'Sites for military purposes,' $241,932.39; in all, $446,479, to be available for the following, as authorized by the act approved February 18, 1928: Steel hangar, $39,500, and addition to radio hut, $6,979, Hawaiian Islands; and construction of landing field, Albrook Field, Canal Zone, $400,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", and in addition to the sum of $11,257,445, there is hereby reappropriated for expenditure for bombardment planes and their equipment, spare parts, and accessories, the sum of $580,000 of the unexpended balance of the appropriation for 'Army transportation, 1926'"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum "$425,000," proposed in said amendment, insert the following: "$150,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That the number of trainees shall not exceed the number which can be trained by the expenditure of this sum and"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "except the pay and allowances of officers and of enlisted men of the Regular Army who are on duty in any capacity in connection with the national matches and the small-arms firing school, and except the subsistence of enlisted men of the Regular Army who are not members of authorized teams, which pay, allowances, and subsistence shall be paid from other funds appropriated for that purpose"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$825,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "Sites for military purposes, $93,736.92"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$89,191.48"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$876,395.73"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 25, 26, 39, 42, and 45.

DAVID A. REED,
W. L. JONES,
F. E. WARREN,
WM. J. HARRIS,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

HENRY E. BARBOUR,
FRANK CLAGUE,
JOHN TABER,
Managers on the part of the House.

Mr. REED of Pennsylvania. I ask unanimous consent that the unfinished business be temporarily laid aside for the consideration of the report.

The PRESIDING OFFICER (Mr. WATERMAN in the chair). Is there objection? The Chair hears none.

Mr. McKELLAR. Mr. President, will the Senator explain what was done in the conference?

Mr. REED of Pennsylvania. I shall be glad to do so. I think it will not take more than a moment or two to do that.

On the item of most general interest, the item for river and harbor work, no change is made. The action of the Senate stands.

On the item for reserve officers' training, which the Senate fixed by a roll-call vote, the action of the Senate stands. No change is made on that.

On the item of horses and mules for the Army, about which there was very serious disagreement, the House has conceded practically all that the Senate asked. They give us a total of 1,700 mules and 2,300 horses. The Senate had fixed the number at 2,400 horses and 1,931 mules. We get substantially all we asked.

On putting the Air Corps of the Army out of the lighter-than-air business, the House recedes and agrees to all of the Senate amendments.

We put in a considerable item for new fire control for the antiaircraft guns at Panama, Hawaii, and in continental United States. The House has receded, so far as Hawaii and Panama are concerned, but has agreed to carry on further experimentation before spending a lot of money in continental United States.

The aviation increases were considerable. The Senate had authorized 40 bombing planes of a newly developed type in place of 23 authorized by the House. We compromised at enough money to buy approximately 35, so that the point raised is recognized.

On developments for the Air Corps in Panama, the House concedes all that is authorized by legislation; that is, the completion of Albrook Field, in Panama, and the completion of the hangar and radio station in Hawaii.

The next item of importance was the item of horses for the National Guard. We had provided for 500 horses for the guard. On that the House recedes entirely, and our full amount stands.

On the item of additional vacation, under pay, for caretakers of the animals of the guard, the Senate was forced to recede, and we receded for the reason that this year vacation with pay is being given to those caretakers, and it was believed the department could manage to do so next year with the same amount of money.

On reserve flying we had to make the most serious of all concessions. For the reason that the War Department has not sifted out the older flyers who would not be suitable for active war work, it was thought best to hold the amount for reserve officers' flying at the figure fixed last year. The House had reduced it somewhat. We got it back to last year's figure, and we can not increase it, and I think ought not, until the War Department has sorted out those who will be efficient in war, and gives them alone the benefit of that training.

The item we put in for horses for the Reserve Officers' Training Corps stands. The House recedes.

In substance, we provided for the training of 40,000 civilian boys in the summer training camps. The House has receded in principle on that, and we have changed the wording of the amendment slightly, leaving in the amount of money as passed by the House, and providing that the department should train as many as they could with that sum, but forbidding transfers from other funds for that purpose.

Mr. McKELLAR. In other words, the amount to be expended was not considerably increased, but a larger number was provided for?

Mr. REED of Pennsylvania. The House cut it down to 35,000, which we thought was too low, and we have corrected it.

On the item for national rifle matches no change has been made in the substance of the bill as it passed the Senate, except

that we have agreed on certain amendments, satisfactory, I may say, to the Senator from Iowa [Mr. BROOKHART], which will permit the payment of return travel before it is actually done, so that settlement can be made with competitors at the matches, and travel will be permitted by automobile.

Mr. McKELLAR. The matches will take place yearly hereafter?

Mr. REED of Pennsylvania. The matches will take place this year, just as the Senate intended.

On the item for Alaskan roads and trails, the only other item that is of any importance that I have not explained, we compromised at $825,000. The House had allowed $590,000, we had increased it to $900,000, and after considerable debate the conferees fixed it at $825,000.

Mr. McKELLAR. That is about what we expected, I believe.

Mr. REED of Pennsylvania. Of course, expectations differ; but we are pretty well satisfied with the results, on the whole.

Mr. ROBINSON of Arkansas. Mr. President, there is one amendment, proposed by me, and reported by the committee, found at page 84 of the bill as it was reported by the committee, providing $1,500,000, to be immediately available, to be expended by the Mississippi River Commission in reimbursement of funds contributed by local interests to the Mississippi River Commission to use for emergency levee construction and repair work on the lower Mississippi River. I would like to ask the Senator whether the House managers accepted the amendment. I think I ought to say that my information is that the estimate for the item was sent to the House too late for it to be incorporated in the bill. In any event, it was not incorporated in the bill in the House and it was ordered to be approved by the Senate committee, and it was passed by the Senate.

Mr. REED of Pennsylvania. I thank the Senator for calling my attention to that, because I had neglected to mention it. The House has receded on that and accepted the Senate amendment exactly as we passed it.

Mr. ROBINSON of Arkansas. I am very glad to learn that, because it was a very important amendment.

Mr. HALE. Mr. President, as I recall it, the Senate increased the House appropriation for the completion of the five-year program some $2,000,000. Can the Senator tell me what was agreed to by the conferees?

Mr. REED of Pennsylvania. Various items went to make up that $2,000,000. In substance, the amount remaining in the bill is something more than half of the increase which the Senate put in.

Mr. HALE. The increase was something over a million dollars.

Mr. REED of Pennsylvania. The increase will be slightly over a million. I ought also to say that the item for the Chalmette Cemetery, in Louisiana, has been accepted by the House, and the appropriation which the Senate put in for the Pacific Coast Branch of the National Home for Disabled Volunteer Soldiers was accepted. Both of those were accepted without question.

Mr. President, the report is a final one, except that under the rules of the House a separate vote will have to be taken on five items. There is a technical disagreement only as to those five items. The conferees are in full accord.

Mr. WILLIS. Mr. President, I desire to submit an interrogatory to the Senator from Pennsylvania. I wish to ask the Senator what provision is made in the bill touching the matter about which we had some debate the other day, as he will remember, the item for pay for armory drills.

Mr. REED of Pennsylvania. The item for pay for armory drills stands as it passed the Senate and the House. The amount appropriated is about $700,000 over that appropriated for the current year. It will not be sufficient for the 48 armory drills that we desire to have, but it is agreed on all hands, by House and Senate conferees, that a deficiency estimate is to be submitted when the figures are available, and that 48 drills will be held. There is no disposition on the part of the department, or either House of Congress, so far as I know, to reduce the number of drills. The only reason that we did not provide a larger amount is that the department is utterly unable to estimate the exact amount that will be needed.

Mr. WILLIS. The provision as it now stands in the bill is to the effect that this arrangement for the transfer of 10 per cent is applicable to the provision for armory pay, the same as to any other.

Mr. REED of Pennsylvania. The interchangeability item applies to the armory drill appropriation, and it is understood that, in addition to that, enough will be provided in a supplemental estimate to take care of any deficiency.

Mr. WILLIS. The Senator apprehends the point I am driving at. I certainly shall not delay the agreement on the conference report, but it never has been made clear to me what advantage there is in doing the very thing the Senator points out. There has to be a deficiency appropriation to take care of the lack in armory pay. I can not see what advantage there is in providing that a portion can be transferred from that item, when there has to be a deficiency appropriation to take care of it.

Mr. REED of Pennsylvania. I get the Senator's point. I do not think it is ever intended to transfer any money out of that fund, because everybody realizes that it will not be sufficient.

Mr. WILLIS. I merely wanted to put that intention in the form of law so that they could not transfer it out.

Mr. REED of Pennsylvania. I will be very glad to meet the Senator half way next year, if I have anything to do with the bill then, and I am sure there will be no objection to it.

Mr. WILLIS. I know the Senator is in favor of proper pay for armory drills.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2, in the vicinity of Muscle Shoals, for the manufacture and distribution of fertilizer, and for other purposes.

Mr. HEFLIN. Mr. President, it is about time for a recess or an adjournment, and I understand the Senator from Kansas wants to have an executive session. To-morrow, unless the Senator from South Carolina [Mr. SMITH] or some other Senator wishes to speak, I shall discuss the pending Muscle Shoals resolution.

Mr. HARRISON. Mr. President, I want to add an additional paragraph to the amendment that is pending, and I ask unanimous consent that I may modify my amendment by the insertion of the paragraph.

The VICE PRESIDENT. The clerk will read the paragraph.

The CHIEF CLERK. In the amendment proposed by the Senator from Mississippi [Mr. HARRISON], on page 2, after line 16, insert the following:

It is hereby further declared to be the policy of the Government that in case of any such sale or lease to a public service corporation the amounts paid to the Secretary of War by such corporation shall be considered by the public service agencies of the several States in regulating the rates charged by such corporation to the consumers.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Mississippi as modified.

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it take a recess until to-morrow at 12 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 10 minutes p. m.), under the order previously entered, took a recess until to-morrow, Wednesday, March 7, 1928, at 12 o'clock meridian.

ARBITRATION TREATY WITH FRANCE

In executive session this day the Senate, having had under consideration a treaty of arbitration between the United States and France and the notes exchanged between the two Governments regarding said treaty, advised and consented to its ratification. (On February 8, 1928, the injunction of secrecy was removed from this treaty, on request of Mr. BORAH, and it is printed at page 2688, CONGRESSIONAL RECORD of that date.)

NOMINATION

Executive nomination received by the Senate March 6, 1928

POSTMASTER

TENNESSEE

George T. Taylor to be postmaster at Memphis, Tenn., in place of Solomon Seches. Incumbent's commission expired March 29, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 6, 1928

UNITED STATES ATTORNEY

Joseph A. Tolbert to be United States attorney, western district of South Carolina.

UNITED STATES MARSHAL

Samuel L. Gross to be United States marshal, northern district of Texas.

POSTMASTER

MARYLAND

Harry E. Pyle, Aberdeen Proving Ground.

REJECTION

Executive nomination rejected by the Senate March 6, 1928

POSTMASTER

TENNESSEE

George T. Taylor to be postmaster at Memphis, Tenn.

HOUSE OF REPRESENTATIVES

TUESDAY, *March 6, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thy will, O Lord, be done. It bids the bad be good, the weak be strong, the unjust be upright, and the unclean be pure. Wherever there is oppression, repression, and injustice, O God, Thy arm make bare and Thy holy will be done. Come Thou in a wonderful evolution in the thoughts, lives, and spirits of men. Lift the veil and let them catch the sight of the heights of life, the world, the unseen, and the eternal. Let Thy outstretched finger point out the climbing path ahead. So direct, so lead, so inspire us that we shall become gripped by the glory of service for our country, which protects our homes and secures our happiness. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHIPPEWA TRIBE OF MINNESOTA

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2342 and pass the same.

The Clerk read the bill, as follows:

A bill (S. 2342) providing for a per capita payment of $25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States so much as may be necessary of the principal fund on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889 (25 Stat. L. 642), entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to make therefrom a per capita payment or distribution of $25 to each enrolled member of the tribe, under such rules and regulations as the said Secretary may prescribe: *Provided*, That before any payment is made hereunder the Chippewa Indians of Minnesota shall, in such manner as may be prescribed by the Secretary of the Interior, ratify the provisions of this act and accept same: *Provided further*, That the money paid to the Indians as authorized herein shall not be subject to any lien or claim of attorneys or other parties.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield to me for two minutes?

Mr. LEAVITT. I will.

Mr. CRAMTON. Generally the payments per capita from funds to the Indians are in a large measure a dissipation of the Indian funds. It is very much better for their funds when available to be used for the construction of homes, the buying of implements, stock, and so forth. In this particular case, as I understand, the action of the Senate reduced the amount from $100 to $25.

Mr. LEAVITT. That action had been taken in the House committee, also.

Mr. CRAMTON. I also understand that in the hearings, I think in the House, there was quite a definite assurance given that this payment would not be followed by any other demand for per capita payment to these Indians in the near future.

Mr. LEAVITT. That proposal was made in the House committee, and in the discussion it was brought out that there would be cooperation and effort to work out a plan for the future that would set aside sufficient indigent funds so that it would leave the tribal funds themselves intact. That is the situation. It is not in the form of a final pledge that a case might not be presented for another per capita payment.

Mr. CRAMTON. But the effort is to be made in that direction?

Mr. LEAVITT. Yes. The gentleman from Minnesota [Mr. SELVIG] presented the need of a per capita payment to the committee and said that if a favorable report was taken by the committee on this measure that would be his effort, and Mr. KNUTSON said the same thing.

Mr. CRAMTON. I have had the pleasure of going over the matter with the gentleman from Minnesota [Mr. SELVIG] and I have been impressed by his statement of the present condition and by his desire for some constructive plan in the future.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H. R. 8317) was laid on the table.

PETER P. PITCHLYNN

Mr. DYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1705) authorizing the Court of Claims to render judgment in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, instead of the heirs of Peter P. Pitchlynn, and for other purposes, and pass the same.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Court of Claims is hereby authorized to render judgment in the suit of the heirs of Peter P. Pitchlynn, deceased, against the Choctaw Nation, No. 30532, now pending in said court on mandate from the Supreme Court of the United States in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, appointed or to be appointed under the laws of the District of Columbia, for $3,113.92, the amount the Court of Claims on June 9, 1924, found to be due the heirs of said Pitchlynn from the Choctaw Nation. Said judgment shall be paid out of any funds in the Treasury or custody of the United States belonging to the Choctaw Nation.

SEC. 2. To the above extent, the act of Congress approved June 21, 1906 (34 Stat. L., pp. 325, 345), under which said suit was instituted in said Court of Claims, is hereby amended, and all acts or parts of acts inconsistent herewith are hereby repealed.

Mr. DYER. This bill does only one thing, and that is to substitute an administrator for the heirs. The Judiciary Committee has reported a similar bill.

Mr. CRAMTON. Has the bill been reported by the Judiciary Committee of the House to the same effect as this bill?

Mr. DYER. Absolutely the same.

Mr. CHINDBLOM. Mr. Speaker, I did not interpose an objection, but I think it is setting a bad precedent to call up bills on the Private Calendar by unanimous consent.

Mr. DYER. It is on the Speaker's table, a similar bill having been reported to the House.

Mr. CHINDBLOM. A bill on the Private Calendar does not have that status.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H. R. 7824) was laid on the table.

PERMISSION TO FILE MINORITY VIEWS ON H. R. 11526

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent that I may file minority views on the bill H. R. 11526.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

NEW CADET BARRACKS AT UNITED STATES MILITARY ACADEMY, WEST POINT

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9202 and concur in the Senate amendments.

The Clerk read the Senate amendments.

The SPEAKER. Is there objection?

Mr. SCHAFER. Reserving the right to object, what is the effect of the Senate amendments?

Mr. MORIN. The words "United States Military Academy" were in the original bill, but they authorized the amount of that before this bill reached the Senate, and it was thought not to be necessary.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

CERTAIN AMENDMENTS TO THE CONSTITUTION

Mr. BURTON. Mr. Speaker, for the Committee on Rules I desire to call up the privileged resolution, House Resolution 133.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 133

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. J. Res. 47, proposing certain amendments to the Constitution. That after general debate, which shall be confined to the Senate joint resolution and shall continue not to exceed five hours, to be equally divided and controlled by those favoring and opposing the Senate joint resolution, the Senate joint resolution shall be read for amendment under the five-minute rule. For the purpose of amendment the House committee substitute shall be considered as an original bill. At the conclusion of the reading of the Senate joint resolution for amendment the committee shall rise and report the Senate joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the Senate joint resolution and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BLANTON. Mr. Speaker, a point of order. This is such an important matter that I demand a quorum.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. BLANTON. Mr. Speaker, now that they have come in from the galleries and cloakrooms, I withdraw the point of order.

The SPEAKER. The point of order is withdrawn.

Mr. BURTON. Mr. Speaker, before the discussion of this resolution, I ask unanimous consent that there be one hour of debate on the resolution reported from the Committee on Rules. Several gentlemen have asked for time.

The SPEAKER. The gentleman from Ohio asks unanimous consent that there be one hour of debate on the resolution. Is there objection?

Mr. GARRETT of Tennessee. I understand the time will be divided between the gentleman from Ohio and the gentleman from Alabama [Mr. BANKHEAD].

Mr. BURTON. And, Mr. Speaker, I submit further the request that I anticipated making separately, that one-half of the time be controlled by myself and the other half by the gentleman from Alabama.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the debate be for one hour, the time to be controlled one-half by himself and one-half by the gentleman from Alabama. Is there objection?

There was no objection.

Mr. BURTON. This amendment—and in referring to the amendment I refer to the House substitute—proposes that, instead of March 4 as now, the terms of the President and Vice President shall end at noon on the 24th day of January and that of Senators and Representatives at noon on the 4th day of January, and the terms of their successors shall then begin.

The second section provides that Congress shall assemble at least once in every year. In the odd-numbered years the meeting shall be on the 4th day of January, though Congress has the right to appoint a different day. In the even numbered or election years the meeting shall be on the 4th day of January and the session shall not continue after noon on the 4th of May.

There is thus established a much shorter interval between the date of election and the functioning of the newly elected President and members of the legislative branch of the Government. In fact, although the right now exists to change by law the date for the convening of Congress and the President may call an extra session, the Constitution provides that the newly elected Congress shall assemble on the first Monday of December in the year following the election, thus creating an interval of one year and one month.

The amendment promises a more prompt and effective compliance with the will of the people, as expressed in the election; also a Congress or administration defeated at the election might in the short session following seriously embarrass their successors in carrying out the policies they were chosen to support. Representatives and Senators are assured of a longer time in which to conduct their campaigns for reelection, and, what is equally important, their appeal to the people can be made after their record and that of the Congress to which they belong is completed.

It is perfectly obvious that if primaries are held in the midst of the first session following the election of Congress the Members are diverted from their duties here and are unable to appeal to the people with any record of things accomplished.

In case of a failure by the Electoral College to select a President and Vice President, the choice of these officials will be made by the incoming Congress instead of the outgoing Congress, as now.

The third section provides that if the House of Representatives has not chosen a President whenever the right of choice devolves upon it—that is, in case of failure to choose by the Electoral College—then the Vice President chosen for the ensuing term shall act as President until the House of Representatives chooses a President. It is maintained there is some ambiguity under the constitutional provisions now existing whether the Vice President for the outgoing or the incoming term should act as President in case of failure to choose a President.

The fourth section provides that if the President elect dies before the time fixed for the beginning of his term, then the Vice President elect shall become President.

The amendment authorizes further legislation by Congress to provide for the following contingencies, which, though unlikely, might arise:

(a) Where neither a President nor a Vice President has been chosen before the time fixed for the beginning of their terms. (The right is given to declare what officer shall then act as President, such officer to act until the House of Representatives chooses a President or the Senate chooses a Vice President.)

(b) The death of both the President elect and the Vice President elect before the time fixed for the beginning of their terms.

(c) The death of any of the three persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them.

A situation might arise in which the three eligibles provided for by the Constitution from whom the House of Representatives might make a choice would lose one of their number and there would be only two. There is also a provision in regard to the two eligibles chosen by the Senate.

(d) The death of either of the two persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them.

(e) As above stated, Congress may by law change the date for the assembling of the first session of the newly elected Congress. It is hoped that the committee bringing in the bill may give the reason for conferring this right.

The amendment as drawn proposes that Congress shall sit on the 4th of January and that the President shall be inaugurated on the 24th of January. A situation might arise in which the House of Representatives would have to choose a President; also the newly elected House must organize and count the vote, and it seems to me the interval of 20 days is none too much for making provision for the duties of the incoming House or the contingencies which might arise. Nevertheless, the amendment gives the right to Congress to change the date, January 4.

The present lengthy interval between the date of election and the commencement of the tenure of executive and legislative officers is due to circumstances existing in the earlier years of this Government which now are absent, chief among which was the lack of ready means of communication both in the transmission of news and in traveling. Conditions which led to this situation do not now exist and the dates fixed are in part the result of accident.

September 13, 1788, the Continental Congress provided for the selection of presidential electors and Representatives in Congress, and fixed the first Wednesday in January for the selection of electors in their respective States, the first Wednesday in February for the electors to assemble and vote for President and Vice President, and the first Wednesday in March for commencing proceedings under the Constitution.

It was intended at that time that the President elect should be installed in his office March 4, although the first President was not inaugurated until April 30, 1789.

The first Wednesday in March of the succeeding year was the 4th. By an act passed by Congress, that of March 1, 1792, it was provided that the terms of the President and Vice President should commence on the 4th day of March after election. That is the manner in which this date has been fixed.

In comparison with other countries the intervening period between election and the convening of the legislative bodies is much longer here than elsewhere. Indeed, the interval in this country is altogether without precedent.

In England the Parliament usually convenes in two or three weeks after election. In Canada there is no definite time fixed by law, but the time has generally been short, in analogy to conditions prevailing in England. In France the Chamber of Deputies, in case of prorogation and a new election, must convene within 10 days following the close of the elections.

The German constitution of August, 1919—and in the preparation of that constitution they no doubt had the regulations in many countries under consideration—provides that the Reich-

stag shall assemble for the first meeting not later than 30 days after the election.

In Hungary the date of assembling is within six weeks; in Australia, 30 days after the day fixed for the return of the writs of election; in Brazil the elections are held on the first Sunday in February, except that when they occur in the same year with elections for President and Vice President, they are to be held on the 1st of March, and the Congress must assemble May 1. In the first case there is an interval of three months, and in the second two months. In Argentina the elections take place on the first Sunday in March, and the constitution requires the Congress to meet on May 1, an interval of two months. In the Netherlands the States General must assemble within three months. The Polish Parliament must convene on the third Tuesday after election.

Incidentally, it is interesting to note that the terms of members in other countries are considerably longer than in the United States, though the legislative body may be dissolved or prorogued by the sovereign authority—king, president, or prime minister. In England, Canada, Italy, and Hungary the term of members of the House of Commons, or popular branch, is five years; in France, Germany, Austria, Japan, Sweden, Belgium, The Netherlands, Chile, and Argentina members serve for four years; in Finland, New Zealand, Australia, and Brazil, three years.

As regards the interval elapsing between the election and the date of the assembling of the Congress there is nothing similar to the conditions which this amendment seeks to obviate in any of the State governments. One reason why the 4th of March was fixed for the beginning of the new term was the fact that Members of the Senate were elected by State legislatures, and those legislatures, practically all of them, met at the beginning of January, so that in case the Congress should convene on that date Senators might not have been chosen. Under the seventeenth amendment that condition no longer exists.

In conclusion I wish to say, Mr. Speaker, that the fundamental ideas which pertain to popular rule will be promoted by the adoption of the pending proposition. [Applause.]

Mr. MAPES. Mr. Speaker, will the gentleman, before he takes his seat, yield for a question?

Mr. BURTON. Yes.

Mr. MAPES. The gentleman has made as much of a study of government and has had as much experience here as anybody that I know of. I would like to ask him a question with relation to the date of the convening of Congress and the inauguration of the President. Except in case the Electoral College fails to elect a President after the fall election every four years, can the gentleman see any advantage, and might there not be some embarrassment, in Congress meeting 20 days before the President is inaugurated? What is it going to do before receiving the President's message? Does the gentleman know of any country where the executive is elected at the same time that the members of the legislative body are where the legislative body convenes before the president, or the chief executive of that country, is inaugurated?

Mr. BURTON. That is true in quite a number of our States, where the legislative body convenes before the inauguration of the governor. I have already mentioned the two duties imposed upon the incoming Congress; first, organizing and the counting of the electoral votes, and, second, the very serious situation which would arise if no choice should be made by the Electoral College, when the election of the President would rest with the House of Representatives and the election of a Vice President with the Senate.

Mr. MAPES. What does the gentleman think the Congress will do during that 20 days in case a President has been chosen by the Electoral College?

Mr. BURTON. Some of the time would be spent in organizing, and no doubt committees would be selected. There are divers ways in which the Congress could be useful during those 20 days.

Mr. MAPES. Can the gentleman suggest anything for it to do except to organize?

Mr. BURTON. Yes. Bills might be introduced and considered by committees.

Mr. HOCH. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. HOCH. There would be nothing to prevent Congress from functioning as it ordinarily does in the passage of legislation, would there?

Mr. BURTON. They would naturally not engage in the adoption of legislation until after January 24. I take it the intent of this resolution is that a new Congress shall not expect legislation to be completed until after the President, elected with them, comes in. Of course, there is absolutely nothing to prevent it, but that would be the natural course of things.

Mr. HOCH. That might be very persuasive; but I can see no reason why, if Congress were in session and desired to legislate, it should not legislate and send bills to the President to be signed.

Mr. BURTON. There might be emergency legislation, but I do not believe as a practical matter that assumes importance.

Mr. NEWTON. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. NEWTON. I might suggest that Congress might transact all of its investigating duties during that period and legislate afterwards.

Mr. BURTON. If they could get those things off of their hands it would be helpful.

Mr. CELLER. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. CELLER. I am anxious to get the gentleman's point of view on the following: The committee amended the Senate resolution and provided that in the even-numbered years Congress should adjourn on the 4th of May. Will the gentleman tell us in what respect that would end the vice of the filibuster?

Mr. BURTON. There would be four months instead of a scant three months. It would not do away with the filibuster absolutely, because at least in one body of the National Legislature a filibuster may occur at any time. However, I believe this would obviate that situation, because there would be four months instead of practically two.

Mr. CELLER. Is it the gentleman's idea that a filibuster results when there is a definite date for adjournment known?

Mr. BURTON. Yes.

Mr. CELLER. And would not that situation be exactly the same if this resolution were passed as the committee has amended it, just as we have it now?

Mr. BURTON. Yes; but with a very much larger opportunity to finish the business in the four months.

Mr. BEGG. Will the gentleman yield for a question?

Mr. BURTON. I yield to the gentleman.

Mr. BEGG. I am very curious to know why this lapse of 20 days. I have not been in Congress so very long, but I have seen five organizations, and I think I am entirely correct when I say in no instance have we spent more than five days in getting right down to business. Now, I can not think of any reason why we want 15 more days to "mill around."

Mr. BURTON. I believe I have already dwelt on that question.

Mr. BEGG. I do not think the gentleman got anywhere. I do not mean to be discourteous, but I do not think the gentleman said anything. [Laughter.] I am as serious as I can be. Why take 20 days to do a thing that we have been doing for 10 years in from 3 days to 5 days?

Mr. BURTON. You must provide not only for the ordinary course of things, but for emergencies, and if there should be an emergency in which a President had to be elected, it would surely require the whole of the 20 days.

Mr. BEGG. If the gentleman will permit, how many times in the history of the country covering 150 years has such an emergency happened?

Mr. BURTON. Twice.

Mr. BEGG. What damage was done?

Mr. BURTON. In one case the vote was protracted for a very considerable time.

Mr. BEGG. I do not question that; but what damage was done to the country? In other words, every four years you are going to have 15 days with the time of 435 Members thrown away in order to provide for an emergency that has happened twice in the past 150 years.

Mr. BURTON. It is more than that. It is perfectly well known that the business of the Congress does not begin until committees are chosen and usually until hearings are held.

Mr. BEGG. The gentleman is thoroughly familiar with the fact that we have had important legislation up for consideration on the first day of a session.

Mr. BURTON. And when the President is inducted into office and his message presented to the Congress, Congress can begin to function just as promptly and as efficiently as possible.

Mr. LEAVITT. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. LEAVITT. The provision in the Constitution now is that Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Mr. BURTON. They have that right. I have already stated that.

Mr. LEAVITT. Why could not the Congress at the present time meet this situation or meet the need of an earlier meeting by establishing a meeting on the 4th or 5th of the ensuing March?

Mr. BURTON. Because the Constitution provides that the term of Senators shall be six years, and by implication the Representatives, being chosen every second year, their term is two years. This amendment would shorten the term and nullify a constitutional provision. That is the reason for this proposed constitutional amendment. If it were not for the fixing of the terms of the President and the Vice President at four years, Senators at six years, and Representatives at two years the constitutional amendment would not be necessary.

Mr. LEAVITT. That does not clear my point on the question of the necessity of an earlier meeting of the new Congress. Could not that be practically met by an act of Congress, as now provided in the Constitution, which would make it necessary for Congress to meet on the 4th of the next March following their election instead of waiting until the first Monday in December?

Mr. BURTON. That, of course, could be done.

Mr. SIMMONS. Will the gentleman yield?

Mr. BURTON. I yield to the gentleman from Nebraska.

Mr. SIMMONS. The proposal just made by the gentleman from Montana would not provide for the newly elected Congress taking care of a possible election of the President.

Mr. BURTON. No. I do not believe I correctly understood the gentleman from Montana.

Mr. SIMMONS. We would still be left with the so-called "lame duck" Congress electing a new President.

Mr. BURTON. Yes.

Mr. SIMMONS. And that is a thing it is desired to avoid.

Mr. BURTON. Yes.

Mr. QUIN. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. QUIN. What does the gentleman from Ohio think relative to extending the term of Members of the House of Representatives to four years?

Mr. BURTON. That will come up later, I presume, on an amendment which, I believe, has already been proposed. If I have any views to express on it, I will express them at that time.

Mr. LEA. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. LEA. I would like to make the suggestion—and I would like the attention of the gentleman from Ohio—in reference to the 20-day period between the installation of the Members of the House and the installation of the President. Following the presidential election Congress must canvas the returns from the States, and previous experience has shown that in some cases there are contests in the States, so there is danger of a delay and Congress must have some opportunity in which to deliberate for that reason, outside of the matter of the organization of the House.

Mr. MICHENER. Does not the gentleman feel there should be some limitation in the resolution as to time in which the States must ratify the proposed amendment?

Mr. BURTON. Oh, as a general proposition, I believe in a limitation on that of seven or nine years or some such time.

Mr. MONTAGUE. May I ask the gentleman from Ohio a question?

Mr. BURTON. I yield to the gentleman from Virginia.

Mr. MONTAGUE. The question I wish to propound is more or less a matter of detail, but all details when related to the Constitution of the United States assume the form and matter of dignity.

I notice in the resolution in some instances that the House of Representatives is sometimes singular and sometimes plural.

Mr. BURTON. I have noticed that very thing.

Mr. MONTAGUE. Sometimes it is referred to as "they" and sometimes "it." It says that on the 4th day of January annually they—who is "they"? "They" is the Congress. I simply throw these out—I am not speaking on the merits, but I think the gentleman will agree with me that we should when we are amending the Constitution do it with dignity and have some conformity and dignity of style.

Mr. BURTON. That will come up in the debate under the five-minute rule. I think a serious objection is the possible ambiguity in lines 20 to 22, where I may possibly offer an amendment myself.

Mr. GIFFORD. Will the gentleman yield?

Mr. BURTON. I will.

Mr. GIFFORD. I would like to make an observation. Section 2 says that—

> Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January, unless they shall by law appoint a different day.

It is so drawn that Congress shall have the power to legislate, if the 20 days seems insufficient or is a longer period than necessary. We will notice that the intent of this article is to give Congress the power in the future to remedy by legislation.

Mr. BURTON. Congress would not have it in the even-numbered years, but does in the odd-numbered years.

Mr. CELLER. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. CELLER. If this amendment is adopted, will it have the effect of lengthening or shortening the terms of Members of Congress at that particular time?

Mr. BURTON. Shortening from March 4 to January 4.

Mr. CELLER. Will that mean that Congress could provide for salaries during that time?

Mr. BURTON. That is for you to decide when the time comes. It is doubtful whether it would be done.

Mr. RAMSEYER. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. RAMSEYER. The gentleman from Virginia criticized the language. I call attention to the fact that the phraseology is taken from the Constitution at present. Article I, section 4, clause 2:

> The Congress shall assemble at least once in every year and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Mr. MONTAGUE. The gentleman misunderstood me; the word "they" as embodied in this makes it doubtful as to what it refers. I think that it ought to be explicit.

Mr. BURTON. At the time the Constitution was framed the words "United States" were regarded as plural. They are now regarded as singular. Mr. Speaker, I reserve the balance of my time.

Mr. BANKHEAD. Mr. Speaker, I yield 15 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, it has seemed to me ever since I gave any thought to the subject that it would be more in accord with the spirit of this self-governing Republic to have its agents, both in the executive and the legislative branches, assemble for business earlier after election than has heretofore been the case. Also, it has always seemed to me to be perfectly proper that the meetings of Congress should be so arranged as that there would be no meeting of a Congress immediately after the election of its successor. And so with all that part of this amendment which proposes to do this, I find myself in entire sympathy and am sincerely desirous of supporting it.

But there is a provision in the proposed amendment concerning which I confess I am extremely doubtful, and that is the provision that in the even-numbered years the meeting of Congress shall be on the 4th day of January and that the session shall not continue after noon on the 4th day of May.

That is a limitation by constitutional enactment. It seems to me that there is nothing in the experience of the past to indicate that any good reason exists for now removing from the discretion of Congresses that are to come the date when they shall adjourn. The reasons that have so far been presented do not seem to me to be weighty enough to justify constitutional amendment. The only reasons given practically are the political reasons, the fact that these are to be election years. Somehow, some way, I have such a respect for the Constitution of the United States that I dislike to see any provision go into it that is predicated simply upon the question of political expediency.

Mr. GIFFORD. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. GIFFORD. I hardly think it is fair, inasmuch as the arguments presented are only such as have been incorporated in the report, and thus far no opportunity has been given to state the many reasons to be given therefor.

Thus far in the debate no opportunity has been afforded to give the reasons that we may have and which have not been presented. Those reasons, I am sure, will be advanced in the debate to-day. I do not desire to allow just the report to be thought to contain all the arguments. The gentleman from Tennessee, I know, wants to be fair and will understand that many reasons will be advanced.

Mr. GARRETT of Tennessee. Yes. I hope in the discussion that that question will be dealt with, because, in my mind, it is probably the most serious question involved in the amendment.

I desire to give notice of a proposal which I propose to present by way of amendment, and which I hope to have the opportunity of discussing at more length at some time as the debate proceeds. I propose to offer at the end or near the end as section 6 the following:

"This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by Congress, and the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected subsequent to such date of submission.

It is to this proposal I desire to address myself for a moment. Of course, we are all familiar with the different methods by which the Constitution may be amended; that is, the different methods of ratification. In an address made on the floor of this House a few years ago, dealing with this question of amendment, I had occasion to point out that under the system which we have and which has been clarified by recent judicial decisions, it is perfectly clear now that fewer than 4,000 individuals in this Republic of 120,000,000 can bring about an amendment to the organic law of the United States without there being any opportunity whatsoever for a public expression upon it.

Of course, this amendment which I propose consists of two parts. One is the time limit. I think there should be a time limit. I am unable to see why the proponents of any amendment should be opposed to a reasonable time limit.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield right there?

Mr. GARRETT of Tennessee. Yes.

Mr. GIFFORD. I am sure the gentleman understands that the committee is not opposed to a time limit. Some of the legislatures meet only once in four years. I wish the gentleman in framing the amendment would consider nine years instead of seven. It seems to me the legislatures should have opportunity to pass twice upon an amendment like this, which may be further amended before finally voted upon.

Mr. GARRETT of Tennessee. I shall be glad to consider it. It is the principle of limitation which I favor. My reason for fixing seven years was that in that we would follow the only precedent we had, and that is the eighteenth or prohibition amendment.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield there?

Mr. GARRETT of Tennessee. Yes.

Mr. MOORE of Virginia. Heretofore a number of Members have indorsed the view that the gentleman is now expressing, favoring a seven-year limitation.

Mr. GARRETT of Tennessee. Yes. The Supreme Court of the United States, in the case of Dillon *v.* Gloss (256 U. S. 368), deals with that question, and I commend it to gentlemen considering this proposition. I shall not have time to read it. The court holds then seven years to be reasonable and valid.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. RAMSEYER. It is stated in the court decision the gentleman has before him that every proposed amendment to the Constitution adopted to date was adopted within four years after the amendment was submitted, so that there does not seem to be any weight to the objection that the seven-year limitation is not long enough.

Mr. GARRETT of Tennessee. The gentleman from Massachusetts [Mr. GIFFORD] suggests that every legislature should have an opportunity to pass upon it twice. That is worthy of consideration.

Mr. GIFFORD. There would not be full opportunity to pass upon it if the modification is too limited in character.

Mr. GARRETT of Tennessee. Yes. I think that point is worthy of consideration.

Mr. LEA. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. LEA. In our State the State senators are elected every four years. If they are elected the same year as the President is elected, they would be incapable of voting under the proposition you propose for four years. A State senator is elected for four years, and if he must have been elected before the amendment is adopted, that would require that he must have been elected previously.

Mr. GARRETT of Tennessee. I provide in my amendment that at least one branch should be elected subsequent to the submission. It seems to me that is a proposition, or at least a principle, which should go into every amendment which the Congress may see fit hereafter to propose.

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. LOZIER. Apropos to that suggestion, does not the gentleman think that it might not be necessary, in view of the fact that there never has been a constitutional amendment submitted to the States or the American people for ratification that has not been the subject of discussion for one or two or three decades? And is it not true that no constitutional amendment has ever been adopted until it has been submitted in response to a state-wide and nation-wide public demand?

Mr. GARRETT of Tennessee. I do not concur with the gentleman that that has been always true. Generally speaking, it may be stated perhaps as to most of the amendments; but I am trying to cast my view into the future to consider not only probabilities, but possibilities, and I am unable, as a believer in our system of democracy, expressed in the only way the democracy can be expressed—that is, through a representative government—as a believer in the principle of democracy I am unable to understand why we should not have such a provision as this with relation to all amendments, so that there may be at least the opportunity on the part of the people whose government is to be affected to give some sort of expression upon the proposition.

Mr. CELLER. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield.

Mr. CELLER. The Constitution was adopted by conventions called in 11 States, excluding Rhode Island and North Carolina, and all the amendments were ratified by the legislatures. Will the gentleman seriously consider an amendment which would provide that the ratification of this amendment shall be by conventions convoked in the respective States in order to carry out the Democratic theory which, I think, prevails in the gentleman's mind?

Mr. GARRETT of Tennessee. Let me say this to the gentleman—and I am glad he asked the question—that upon any amendment which fundamentally affected the rights of individuals or the relations of the States and the Federal Government, I should say it ought to be submitted to conventions. Now, so far as this particular amendment is concerned, let me say, in all frankness, that it is not very fundamental in its nature.

It is rather a matter of mechanics, a matter of the time of the meeting of the Congress, so that I should not, except for the purpose of making the precedent, be particularly insistent that an amendment relatively as unimportant as I regard this to be, should be forced before conventions which could only be held at an enormous expense to the people of the different States.

Mr. CELLER. Has the gentleman examined the subject matter of our amendments up to date and found out why it was those amendments were not submitted for ratification to conventions called in the States?

Mr. GARRETT of Tennessee. I have tried to find something about that. I think the theory as regards the first 10 amendments is that it was so well understood, even before the original Constitution had been ratified, that the principles involved in the first 10 amendments would be submitted and would become a part of the Constitution as that it was scarcely regarded necessary to have conventions, because it was known in advance of the ratification—all history indicates that, especially after the larger States had practically demanded these principles—that they were going to be submitted and that they were going to be adopted, and hence they did not deem it necessary to submit them other than to the legislatures. So far as some of the others are concerned, I will say very frankly that I believe there were a lot of political reasons, which it would be interesting to go into. [Applause.]

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. BANKHEAD. Mr. Speaker, I ask recognition to discuss the rule.

The SPEAKER. The gentleman from Alabama is recognized.

Mr. BANKHEAD. Gentlemen of the House, when we undertake to consider a resolution of such profound political significance as an amendment to our organic law, it is a matter that, in my opinion, should be approached with great deliberation with reference to the consideration of all the features involved in it.

I quite agree with my distinguished colleague from Tennessee that as far as the things involved in these various amendments to the Constitution are concerned they are very largely matters of legislative mechanical importance. I have not personally been very profoundly impressed with the urgency or the necessity of this constitutional amendment as now presented, because I think that most of the things they are seeking to accomplish under this resolution could be achieved by the enactment of congressional statutes affecting those problems, but inasmuch as we have embarked upon the consideration of some changes in our fundamental law, especially with reference to the terms of the President and the Members of the Senate and the House of Representatives, I gave notice upon yesterday that it was my intention at the proper time to offer an amendment to the pending resolution to the effect that the terms of the Members of the House of Representatives should be changed so that their

tenure of office would be for four instead of two years, as now provided in the Constitution. [Applause.]

I want to say to you gentlemen very frankly that if there has been any question with reference to a change of our Constitution that has been suggested to me by inquiries from my own constituents back home, it has been with reference to this particular feature of our existing Constitution.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BANKHEAD. For a brief question, because my time is limited.

Mr. JOHNSON of Texas. Is it not understood by a great many people that that is the present term?

Mr. BANKHEAD. That is true, but I know it is certainly not so understood by gentlemen who seek to come back here every two years. [Laughter.] They make this inquiry of me and I imagine it has been the universal experience of Members of the House of Representatives.

You are elected in November of a given year and the next spring or summer after your term commences you have to embark upon another campaign for reelection. You start in the contest if you have opposition or if you do not have opposition, and the people will say, "Why, we thought we just elected you the other day for a term in Congress. What are you running for again now?" And it has to be explained to them that under the Constitution of our Government the tenure of office of Representative is fixed at two years. The primary thing, gentlemen, I have in mind in offering this amendment is that in my opinion it would make for better government for the people of our country than the present system.

Mr. CELLER. Will the gentleman yield?

Mr. BANKHEAD. I would rather not be interrupted just now, but if I have the time I will yield to the gentleman. I want to present a few suggestions with reference to this amendment.

A Member of the House of Representatives, gentlemen, is just an ordinary representative of a cross section of the intelligence and patriotism of the people of America. He is just a human being; and if a man embarks upon a political career and has an aspiration to serve his people in the Congress of the United States, he necessarily puts behind him his professional and business associations, and—in theory, at least—he intends to devote his time and his energies and his talents to a real service in a representative capacity to the economic and political interests of the people whom he has undertaken to represent.

But that same humanity, asserting itself as it does with reference to a continuation of his political career, every two years his mind is for a long time diverted from a real study of government. It is taken away from a consideration of problems involving the interests of the people as reflected in our committee work and in our legislative deliberations; and when some man is running against him, which is very often the case, he feels in duty bound to himself—and he is not to be blamed for it—to devote a considerable share of his time and thought and energy to the question of preserving his own political career. By virtue of this, his constituents and the country at large are deprived of that real character of effective service to which he might devote himself if it were not for these political diversions coming up every two years.

On the contrary, if the tenure of office were four years, this would give a Representative in Congress at least three years for the exercise of those talents and the devotion of that time to real questions of constructive legislation.

There is another phase of it, and we might as well look at these things frankly. This might be considered a personal consideration on the part of the candidate, but these recurrent elections under our modern, political system require, in many cases, personal campaigns. They exact a somewhat substantial contribution not only from his time, but physical efforts, his nervous energy, and they compel men who are anxious, as I say, to preserve their political careers, to expend considerable sums of money in legitimate expenses for their campaigns, and most of the Members of the House, it is my experience, are not men of large affairs, they are not men of means, and as to a large number of them, their salary is all they have to rely upon. This itself works a hardship upon the man who is devoting his life and his time and his talents, at least theoretically, to the public service.

Mr. GIFFORD. Will the gentleman yield?

Mr. BANKHEAD. Yes; I yield to the gentleman who is a member of the committee.

Mr. GIFFORD. Because all of us will not have proper time to discuss the matter I would like to ask the gentleman if he thinks this is a proper and an opportune time to present such an amendment, the amendment not having been considered by a committee and being one that possibly, and probably, will jeopardize an amendment which is presented at this time to purge ourselves of something that perhaps ought not to exist, and also to correct certain things that must be corrected in our election machinery. Will not the gentleman's amendment be regarded by the public at large as selfish matter which is presented at a time when we are trying to present the opposite? The second question is——

Mr. BANKHEAD. Do not take too long. Let me answer the question first, and then maybe the gentleman will not propound the other question.

Mr. GIFFORD. I think this second question should be presented. The other question is simple.

Mr. BANKHEAD. Make it as brief as simple.

Mr. GIFFORD. Does the gentleman think under the title of this resolution his amendment is germane?

Mr. BANKHEAD. I will answer both of those questions. I think they are fair questions. If I did not think it opportune to pass it—and this is a matter, I will say to the gentleman, upon which I have given some promise to my people back home—I think the people of this country are really more interested and would be more interested in an amendment of this character than they would with reference to the other features of your proposed resolution [applause], and I will state to the gentleman it is not a matter of such involved phases that it would require any exhaustive hearings by a committee. It presents a very simple and brief proposition, simply to change one word in the existing Constitution of the United States, and it is a matter that requires no recommendation by a committee of the Congress in order that every man upon this floor may understand its purpose and its objective.

The gentleman says it might jeopardize the passage of this resolution. I think I know what the gentleman has in mind—the theory that the Senate of the United States would not accept it if it were put upon this resolution by the House upon the theory that it might give some Member of Congress, under a four-year term, an opportunity to run for the Senate against a sitting Member of the Senate without the necessity of giving up his seat on the floor of the House, and therefore for personal reasons they would not approve of such an amendment.

Mr. GIFFORD. If the gentleman will yield——

Mr. BANKHEAD. Let me first answer the gentleman. The gentleman has submitted at least two questions, and I am entitled to answer them.

With reference to the question of germaneness, as the proponent of this proposition, of course, I would have to take chances upon the construction of the parliamentary law of the House upon that question. In my own personal opinion, it is germane to the pending resolution because it affects directly some of the things that are mentioned in the resolution. It relates to the terms of the President and of the House, and of the Senate, and if the resolution, as the gentleman from Ohio [Mr. BURTON] admitted, shortens the terms of the President and the Members of Congress, I ask the gentleman from Massachusetts, as a parliamentarian, if you could not amend it by lengthening the terms of the Congress which is the very proposition that is in the first section of the resolution?

Mr. GIFFORD. Will the gentleman allow me to answer that?

Mr. BANKHEAD. But I do not wish to go into that parliamentary question because that will be a matter that will be presented to the Chairman of the Committee of the Whole when the amendment is offered.

Mr. GIFFORD. Will the gentleman permit a brief question? If his amendment is seriously thought of, would the gentleman be willing to present it in such a form that the present amendment and the gentleman's amendment might be voted upon separately by the legislatures of the various States?

Mr. BANKHEAD. I had not thought about that. I do not know what the gentleman has in mind in submitting that inquiry, but I will say to the gentleman, as I said before, in my judgment, although I may be entirely in error about it, there would be more popular appeal in this section of your resolution which I am proposing, if adopted, than there would be with reference to the other features of the resolution.

If the amendments affecting all these matters of change in our Constitution are to be submitted for ratification of the States, I do not see why you should be opposed to one other proposal, because you are already undertaking to change four, and this would only add a fifth.

Mr. GIFFORD. I will suggest that when we adopted the first amendments to the Constitution they were presented at the same time and divided. Rather than have this resolution jeopardized, I hope the gentleman will agree to the procedure I have offered.

Mr. BANKHEAD. I do not know what the feeling in this House is with reference to this report. I have not attempted to make any campaign and I do not know how many Democrats

are in favor of it or how many Republicans are opposed to it. It has been a matter in my mind for a number of years, and I think this is the only opportunity that the House will get to pass upon it. I am submitting this for your calm consideration and not from a political standpoint, but simply from the standpoint of an attempt which I think in the long run will result in better service and better Government for the American people. [Applause.]

Mr. BURTNESS. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. BURTNESS. Is the gentleman clear that if he should divide the membership up into two classes, electing half at one time and half at another, is permissible where Members of the House would be elected at the same time as the President?

Mr. BANKHEAD. That matter I have given careful thought and attention to. And yesterday I read the amendment that I would propose. Since that time some gentlemen have made suggestions to me, and, as I say, I am entirely agreeable to have any suggestions proposed. It might be better when the time comes to offering it in this form to say that the House of Representatives shall be composed of Members chosen every four years by the people of the several States. That would only create one change in the existing section of the Constitution, by striking out in Article I, section 2, the word "second" instead of "fourth." [Applause.]

Mr. BURTNESS. I think that would be better.

Mr. BURTON. Mr. Speaker, I move the previous question on the pending resolution.

The previous question was ordered.

The resolution was agreed to.

The SPEAKER. Under the resolution the House resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from New Jersey [Mr. LEHLBACH] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate joint resolution, which the Clerk will report.

The Clerk proceeded to read the Senate joint resolution, when Mr. RAMSEYER asked unanimous consent that the first reading of the resolution be dispensed with, which was agreed to.

Mr. WHITE of Kansas. Mr. Chairman, the legal phases of the subject having been discussed, I shall direct my remarks to the principles involved in the bill. It was stated in the discussion of the rule that the fixing of the term was rather more than anything else the result of accident. With this I fully agree.

The great purpose of the resolution is to bring the Congress into prompt activity a short time after the election and because the long delay after the election is without reason or excuse. It contradicts our theory of free representative government. The plan now followed is the result of accident and is not approved by any constitutional provision or direction whatever.

The resolution passed on the 13th day of September, 1788, fixing the 4th of March as the day may have easily been in a degree anticipatory upon the date of the passage of the resolution. Not a large number of United States Senators from the States ratifying the Constitution had at that time been chosen nor had all the States as yet ratified the Constitution as is shown in the following table:

Election of first United States Senators

State	Elected by legislature	Name of Senators
Delaware	Oct. 24, 1788	George Read and Richard Bassett.
Pennsylvania	Jan. —, 1789	William Maclay and Robert Morris.
New Jersey	Nov. 25, 1788	William Patterson and Jonathan Elmer.
Georgia	Jan. 17, 1789	William Few and James Gunn.
Connecticut	——, —, 1789	William S. Johnson and Roger Sherman.
Massachusetts	Feb. 8, 1789	Caleb Strong and Tristram Dalton.
Maryland	Dec. 9, 1788	John Henry.
	Dec. 10, 1788	Charles Carroll.
South Carolina	Not known.	Ralph Izard and Pierce Butler.
New Hampshire	Nov. 12, 1788	John Langdon.
	Jan. 3, 1788	Paine Wingate.
Virginia	Nov. 8, 1788	Richard Henry Lee.
	May 21, 1789	William Grayson.
New York	July 16, 1789	Philip Schuyler and Rufus King.
North Carolina	Nov. 27, 1789	Samuel Johnston.
	Dec. 9, 1789	Benjamin Hawkins.
Rhode Island	June 7, 1790	Joseph Stanton and Theodore Foster.

It is impossible that such work as that of Madison, Mason, Randolph, and Wilson, after being in entire agreement on the first branch of the legislature, should have at once and immediately agreed to a rule that would deny the results of that plan, so that it is entirely fair to say that the plan in the first instance is the result of accident rather than otherwise.

EARLY CONVENING OF THE CONGRESS

This proposed amendment is not an innovation. This is not a unique or novel proposition. I heard it discussed 50 years ago. Thousands of news articles and editorials have been printed upon the subject. The purpose of the amendment is to bring the rule into conformity with the theory of representative government. What valid reason can be urged for retaining in power for four months a Congress which has been displaced at the election by a new and different Congress? I say, What reason can be urged for so doing which can not be urged with equal propriety for retaining them for one or two years or even a longer period?

Why do we hold elections? Why do we vote on each recurring second year? Certainly not to exercise in a perfunctory manner a constitutional right. No, indeed; we write the platforms of the parties in clear terms. We declare for well-defined policies. We discuss the issues and we record our decisions. The votes are counted; the results are ascertained and declared. When are the results sought by this decision to be realized? There is but one normal answer, and that answer is, immediately. The people say, "We have discussed the issues; we have recorded our decision; we have declared for the change; we want it, and we want it now."

No chain ere forged on anvil's brink
Is stronger than its weakest link.

I do not believe for a moment that the fathers ever contemplated that we should operate under such a rule.

I shall not generalize on the question of presidential succession in any extended statement, but will first submit in proof of its importance the eminent constitutional authority, Joseph F. Story, who, in commenting on the presidential succession, says in volume 2, section 1482, of his Treatise upon the Constitution:

> No provision seems to be made, or at least directly made, for the case of the nonelection of any President and Vice President at the period prescribed by the Constitution. The case of a vacancy by removal, death, or resignation is expressly provided for, but not of a vacancy by the expiration of the official term of office. A learned commentator has thought that such a case is not likely to happen until the people of the United States shall be weary of the Constitution and Government, and shall adopt this method of putting a period to both; a mode of dissolution which seems from its peaceable character to recommend itself to his mind as fit for such a crisis.

In the Constitutional Convention there seemed to be unanimous agreement that the Government should be made equal to the purposes for which it was constituted.

As to the best means for achieving this end, there was constant disagreement from the very beginning of the deliberations of the convention. On the question of the organization of the first branch of the legislature there was practical unanimity, and with a minimum of debate it was agreed that its membership should be drawn directly from the people. On the fifth article there was unanimous agreement.

It is surprising to me that any man shall say that we should cease to tinker with the Constitution. I wonder if gentlemen have forgotten that it was generally felt by the members of the Constitutional Convention that the instrument should and subsequently would be amended.

Every citizen well knows that the First Federal Congress in 1779 submitted 12 amendments, 10 of which were promptly ratified.

I believe it is generally known that Article V of the Constitution making provision for submitting amendments was one of the very few provisions of the Constitution agreed to nem. con. or without objection—this should forever stop the futile opposition to the general desire to amend the Constitution. I ask, Why should we not seek to amend it when such amendment is for the purpose of increasing its efficiency? The language of George Mason, of Virginia, is little less than an admonition to so do. Mr. Mason said:

> Although the convention is composed of distinguished persons, it can not be expected they shall furnish a perfect Government.

And he further stated that he would prefer leaving its completion to posterity, rather than push the matter too far. It was at the very time at which the convention was considering the Constitution, laying, as we might say, the foundation of Government, that Mr. Mason stated it would be amended. I

say it should not be made more difficult to submit a proposition to the people providing for an amendment to the Constitution, but rather easier.

Now, I have heard it said that there should be a long vacation or cooling-off period between the election and the assembling of the Congress elect. This is a myth and an error. While it is true that the Government is representative, nominally it is nevertheless democratic in theory, and should be, in fact. Why do I say this? Because every great issue, national in character and extent, is seriously discussed in every biennial, and especially every quadrennial, campaign. Every question is given the most careful consideration.

Now, it is not very logical that anyone should say that a Representative, after the fullest discussion of the issues involved, after having expressed himself as being in accord with his constituency, should for any good reason ask for a postponement of his official duties. Has he any moral right to do so? The people have spoken their sentiments—they have a right to expect an early response in legislation and to say they shall not have it is an intolerable denial of their rights. There is no justification nor is there any valid excuse for the opposition to this amendment whatever.

I see beneath the calm surface of American character no lurking fury of democracy. If wrong in their conclusions, they have the right to be mistaken.

The stock argument of many who oppose this amendment seems to be that we should not meddle with the Constitution. Now, this may be a genealogical notion, but it does not seem to run far back to its origin; certainly it was not entertained by the fathers; certain it is that such an idea was not expressed in the convention, but, on the contrary, it was suggested by Mason, of Virginia, Ellsworth, and others; and the States in extending their ratification to the Constitution memorialized the Congress to pass certain—12—resolutions proposing amendments to the Constitution which were submitted, 10 of them being promptly ratified as I have heretofore stated. But, to the fearful and perturbed spirits of some persons, any proposal to amend the Constitution falls as a sound "fearful and ominous, depressing as the said wailing of November winds on the blank midnight."

It is also true that distinguished authors have pointed out that no provision has been made in the Constitution for the case of the death of both the President and Vice President elect before the day for the beginning of the term. I do not say before the day "fixed" because there is no day fixed by and in the Constitution.

It may be interesting here to make a brief allusion as to how and why the 4th of March became fixed as the date for the beginning of the congressional term. The 4th of March is referred to only once in the Constitution and that is in the twelfth amendment, and which reference does not seek to fix the beginning of the term but seems to presume it had already been fixed.

THE LIMITATION OF THE SESSIONS IN EVEN NUMBERED YEARS

This is a sound provision. I believe a continuous period of four months precludes the likelihood of any public business being retarded through a filibuster, and besides it is only fair that the Member shall have opportunity to personally present his record to his constituents.

It is a matter of common knowledge that under the present rule little is accomplished until after the 1st of January, affording only approximately two months to devote to the public business. Under the proposed resolution four months of sustained effort may be devoted to that business; besides, I feel that the people have a right to have the complete record of the Congress before them at the time they are choosing the successors to that Congress.

At a session of four months I believe the likelihood of filibuster is practically eliminated. Further upon this question, will say that in the case of the development of a filibuster the Congress could be immediately reconvened and proceed from the point at which it left off, the same Congress functioning without interruption, which gentlemen know could not be under the present plan of procedure.

I allow no one to exceed me in my veneration and admiration for the Constitution. It is the greatest human product of its kind in existence. It is the strongest foundation of society ever laid in all time, and upon that foundation is the most glorious fabric of society ever erected by mankind. The spirit of accommodation, admirable beyond expression, was not inspired by or exercised by pure magnanimity. The different views held by the delegates could not have been greater. The grave necessities of the situation more than anything else compelled an agreement, and no great question was unanimously concurred in unless it was the necessities of the Union and that the Constitution should and would be subsequently amended, and also that the first branch of the National Legislature should be drawn from and chosen directly by the people.

The manner of choosing the Executive was much debated; it was defined as being one of the most difficult problems before the convention. The plan finally adopted seemed to furnish the very best solution suggested. As to whether the Congress shall consist of one or two branches was debated at length.

PREFACE

As an emphasis to my reference to the necessities of the Union, I here insert a part of Madison's preface to his notes in the convention and a short eulogy by him on the Constitution.

As a natural consequence of this distracted and disheartening condition of the Union, the Federal authority had ceased to be respected abroad, and dispositions were shown there, particularly in Great Britain, to take advantage of its imbecility and to speculate on its approaching downfall. At home it had lost all confidence essential to order and good government, involving a general decay of confidence and credit between man and man. It was found, moreover, that those least partial to popular government or most distrustful of its efficacy were yielding to anticipations, that from an increase of the confusion a government might result more congenial with their taste or their opinions; whilst those most devoted to the principles and forms of republic were alarmed for the cause of liberty itself, at stake in the American experiment, and anxious for a system that would avoid the inefficacy of a mere confederacy, without passing into the opposite extreme of a consolidated government.

It was known that there were individuals who had betrayed a bias toward monarchy, and there had always been some not unfavorable to a partition of the Union into several confederacies; either from a better chance of figuring on a sectional theater, or that the sections would require stronger governments, or by their hostile conflicts lead to a monarchial consolidation. The idea of dismemberment had recently made its appearance in the newspapers.

Such were the defects, the deformities, the diseases, and the ominous prospects for which the convention were to provide a remedy, and which ought never to be overlooked in expounding and appreciating the constitutional charter, the remedy that was provided.

But after all his writings Madison says of the finished work of the Constitution the following:

> It remained for the British colonies, now United States of North America, to add to those examples one of a more interesting character than any of them, which led to a system without an example ancient or modern. A system founded on popular rights and so combining a Federal form with the forms of individual republics as may enable each to supply the defects of the other and obtain that advantage of both. (Madison Papers, vol. 2, 686.)

Under the present plan we have gotten along very well and have made great advancement. Fully granted a man may have gotten along very successfully with a bad limb, for example a bad knee, one arm or what not. Does it then follow that he might not have gotten along much better without the handicap? Or does the statement prove that if he has gotten along reasonably well in spite of the handicap he should seek to preserve it? He should keep away from the doctor—he should shun the surgeon because he has succeeded reasonably well and should faithfully preserve the handicap and not let it go. Of course this view is chimerical. This position is not admittedly taken by those opposing any amendment to the Constitution, but it is their position, and such without any misrepresentation whatever. [Applause.]

Mr. JEFFERS. Mr. Chairman, I yield myself five minutes.

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. JEFFERS. Mr. Chairman and ladies and gentlemen of the House, we have a constitutional amendment before us for consideration, a very important matter. If passed by Congress it must, of course, then be submitted to the people of the country for ratification. We have a number of Members who have given a great deal of time and thought to the study of the provisions of this proposed constitutional amendment, and as it is my desire to accommodate as many as possible of the Members who wish time to speak on the proposition, I am going to be content with only a brief statement at the present time, just to explain my own position regarding the amendment.

I have the honor of serving on the committee which has reported this constitutional amendment. In the committee I opposed as vigorously as I possibly could some of the provisions of this amendment, and I reserved the right, and so stated when this amendment was reported out of committee, to be free, whenever the matter should reach the floor of the House, to support certain amendments here at the proper time.

Summing up very briefly, I will state that I thought it unwise to place in this amendment so many details which could better be handled by legislative action by the Congress, should the general idea of the amendment be proposed to the people and ratified by the necessary number of States. For example, I think it is unnecessary and unwise to include in this constitutional amendment these specific dates. I believe that a flexible clause could be put into the constitutional amendment providing that the first Congress after the constitutional amendment should be ratified should enact the necessary legislation to set the date for the convening of the Congress.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS. Not now. I will yield later, if I consume more time.

For example, such a flexible clause could provide that the convening of Congress after its election in November should be at some convenient date in January, to be decided by the first Congress after the amendment is ratified, not less than six weeks nor more than two months, we might say, prior to the 4th of March. We do not know what the experience of the future will teach us. We may find that the 4th of January would be not a wise date; but if these specific dates go into the Constitution, of course they are then parts of the Constitution, and it would take other and further constitutional amendments in order to correct them and make them the dates that they should be. These dates can be set by legislative act, and it is not necessary to write them into the Constitution.

Furthermore, this specific arbitrary date of adjournment on May 4 in the even-numbered years is, in my judgment, unwise and entirely unnecessary. If that arbitrary date is provided, we will run into a jam of legislation, paving the way for a filibuster, just as we do now when Congress adjourns on the arbitrary date of March 4.

For these reasons, in committee I opposed inserting those hard-and-fast dates into the constitutional amendment, and for those reasons I reserved the right to oppose those features of the proposed amendment on the floor of the House.

Mr. Chairman, I shall not consume more time at present, but will yield 10 minutes now to the gentleman from Nebraska [Mr. NORTON].

The CHAIRMAN. The gentleman from Nebraska is recognized for 10 minutes.

Mr. NORTON of Nebraska. Mr. Chairman and gentlemen, 19 amendments have been added to the Federal Constitution since its adoption. Five additional amendments, as I now recall, have been submitted by Congress that have not been ratified by a sufficient number of States to become a part of the Constitution. Of the 19 amendments ratified, the first 10 were submitted by the first session of Congress, and as a matter of fact, several of the Colonies ratified the Constitution, in the first place, with the distinct understanding that the first session of Congress should submit those amendments, known as the Bill of Rights, for their approval.

Consequently, in the last 140 years, or thereabouts, Congress has submitted, and the required number of States have ratified, only nine additional constitutional amendments. Congress has reluctantly submitted amendments, and the legislatures of the States have, with care and caution, ratified those which have been added as a part of the Constitution. That is as it should be.

There are some, I realize, who maintain that since the work of the convention was so well done, we should not tamper with the Constitution; we should refrain from making changes for fear we might err in our efforts. But that, apparently, was not the viewpoint of the framers of the Constitution, since they provided two different ways by means of which we might amend the Constitution. They were farseeing men who realized that the changing conditions of the years to come would necessitate changes in the fundamental law of the land. Furthermore, it must be remembered that the Constitution, in several ways, was a compromise. Then, as now, there were two viewpoints that predominated.

There were those who entertained the view that the people were not competent of self-government, and there were others who entertained the opposite view, and who had implicit faith in the people's ability to decide for themselves the course of their Government. They held that even though the people might make mistakes they had a fundamental right to do so, and only by profiting from the mistakes which they might have made would they be able to learn how to best govern themselves, and to direct the course of their Government.

However that may be, our country has adopted 19 amendments in the way provided for by the Constitution, and it is interesting to note that each change made has been in keeping with the view of those who have believed in the principles of popular Government. That is true with reference to the presidential electors, who do not exercise the duties originally intended that they should perform. That is true with respect to the direct election of Senators, and it is likewise true of the nineteenth amendment, which provides for equal suffrage. Furthermore, not a single amendment once added has ever been repealed and no serious effort has ever been made to repeal it. Apparently, then, each amendment has been added because changed conditions demanded it.

We now have before us another amendment which, if submitted and ratified, will be in keeping with the requirements of our times. Conditions have materially changed, in many respects, since the latter part of the eighteenth century. At that time they lacked the modes of communication enjoyed to-day. There were no telegraphs, no telephones, no radios, and no fast mail service. It took weeks before the result of an election in one part of the country could be known in another. Even when known, it required considerable time to gather returns preparatory to the convening of Congress and the inauguration of the President and Vice President. Roads in those days were almost impassable. They had no automobiles, no train service, no airplanes, and must rely, in the main, upon the stagecoach and the saddle horse. Besides, another most important change has been made in our Constitution which affects this matter.

The United States Senators were then elected by the legislatures of the various States. The legislatures did not meet until in January, and since contests often developed, it was considerably later than that before selections were made. Senators so elected could not have attended a session of Congress convening in the month of January.

What would be the result if this amendment should be adopted? As has already been stated, it would provide for the seating of Senators and Representatives and the inauguration of the President and Vice President in January following their election. It likewise would empower Congress to provide for the election of a President in certain emergencies. It is with reference to the former provision that I desire to speak. I shall not attempt to discuss every possible advantage, but only those that appear to me to be the most important. The first result would be the immediate taking over of the offices by those chosen in the preceding election. The newly elected Members would be fresh from the people. The result of the election and the issues discussed during the campaign would be fresh in their minds. Therefore they would be anxious to carry out the wishes of the people whom they were to represent.

We often hear the expression that we need a cooling-off period. That was not the intent of the framers of the Constitution with reference to this particular phase, since they provided for two-year terms for the Representatives. It was planned that they should come back frequently for further indorsement. Furthermore, have we not sufficient check now? Is not two months sufficient? If not, by what system of time measurement are we to decide that period? If four months is better than two, would not four years be even better? Can not a Member act as well the day after election as two or four months later? Also, we have two legislative branches, each acting as a check upon the other, and their acts must receive the approval of the Chief Executive, whereas the legislative representatives of some countries, with only one legislative branch, meet almost immediately after their election to administer the affairs of government. Besides, is there not often danger in too much cooling off? We have recently heard a great deal about the influences of the highly financed lobby, accused of adopting corrupt methods to influence legislation.

With those influences constantly at work in an effort to cool the ardor and the enthusiasm of the Members, is it not logical to assume that the greater the delay the less apt becomes the Member to correctly register his vote in keeping with the wishes and interests of his constituents, and the more apt will he be to register the wishes of these cooling-off influences.

Another objection to the present system is that the new Member is not generally sworn in until in December, 13 months after his election. Then, almost immediately thereafter, he finds himself in the midst of a campaign for renomination. Up to that time he has had little chance to demonstrate his capabilities. By virtue of such a situation the people whom he represents have not had a chance to properly weigh his qualifications before they are called upon to vote for his renomination. If I may be permitted a personal reference, at the present time a primary campaign is being fought out in my State, the date for the election being April 10. Fortunately I have no opposition for the nomination, but if I did have I would be confronted with the necessity of making that campaign now, before having completed my services in my first session. Also, I would have to choose between neglecting my duties as a Member of Congress in order to make a campaign and remaining on the job and

letting the campaign take care of itself. Fortunately, under the circumstances, I have no such decision to make in the case. If this amendment should be adopted the newly elected Member would have ample time to demonstrate his ability before seeking renomination.

The third point which I desire to make deals with the present situation wherein a defeated Member continues to serve during the following session. It is not fair to him to ridicule his position. He is not to blame for that situation. He has not only the right, but it is his duty, to continue to serve in that capacity. However humiliated he may be in his public efforts after having been defeated, his is not the fault. Neither can the blame be placed upon the people, since the sentiment in favor of this proposed Constitution change seems to be overwhelming. Nor can it be charged to the States, since the legislative bodies thereof have never been given an opportunity to ratify a change. The blame, if any there be, must rest with Congress for its failure to sooner act upon this important matter.

Even though the defeated candidate is not at fault, the situation is an undesirable one. For instance, he may have supported certain legislation prior to the election which may have been the cause of his defeat, and yet he can return and aid in the passage of such legislation, contrary to the verdict and wishes of his people. In the event that the election of a President, in an emergency, should be thrown into the House he could vote for a minority candidate, likewise contrary to the verdict of the electorate. It is often charged that a defeated Member is influenced in his voting through promise of an appointment to be received later. Whether that be true or not, the present situation makes possible such a charge and such an arrangement.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. JEFFERS. Mr. Chairman, I yield two additional minutes to the gentleman from Nebraska.

Mr. NORTON of Nebraska. Finally, the proposed change would result in the elimination of the short session. In a short session appropriation measures involving the expenditure of not only millions, but billions, are given improper consideration through lack of time. Many important measures are sidetracked, and in the rush good legislation is often defeated while that which is less desirable is passed. By abolishing the short session the incentive to filibuster would be gone.

Mr. LEAVITT. Will the gentleman yield for a question?

Mr. NORTON of Nebraska. Yes.

Mr. LEAVITT. Does not this proposed amendment provide for a short session that is to begin on the 4th of January and end on the 4th of May?

Mr. NORTON of Nebraska. I was coming to that. I am not in favor of that part of the resolution, and as a member of the committee I reserved the right, just as my colleague the gentleman from Alabama [Mr. JEFFERS] reserved the right to vote for a change in the part of the resolution which provides that Congress is to adjourn every alternate year on the 4th of May. I feel Congress should be left to be its own judge as to the length of the second session, as well as the length of the first session.

In conclusion, what opposition is there to the adoption of this amendment? I have received many letters and other communications in support of it and I have received none in opposition. The press of the country is overwhelmingly in favor of the amendment. The American Bar Association has indorsed it. In 1917 the association appointed a committee to study the question and to report. The report which was later adopted by the bar association was strongly in favor of this constitutional change. Business and professional men everywhere are for it. Leading farmers' organizations have indorsed it, as has also the American Federation of Labor. Women's clubs have done likewise. Many others are enthusiastic advocates of the proposal. It is strange that something which everybody wants no one seems to be able to secure. Not a single civilized nation in the world permits of a similar situation, and not a single State in the Union has such an arrangement with reference to the assembling of its legislative body.

The change would be in the interest of more efficient, more direct, and more representative administration of governmental affairs. It will be in harmony with present conditions and with the requirement of our times. I sincerely trust that the resolution may be submitted by Congress during its present session.

Mr. WHITE of Kansas. Mr. Chairman, I yield 15 minutes to the gentleman from West Virginia [Mr. BOWMAN].

Mr. BOWMAN. Mr. Chairman, the Constitution of the United States is a sacred covenant among men. It is inviolable. It is holy. It is hallowed by the blood of all ages in the unequal struggle and contest for political freedom. It is dedicated to the fundamental principles of free government, which have made the United States of America the greatest and the most successful democracy the world has ever known. In this conception of the Constitution we find the essence of a national patriotism and loyalty which impel us to view with evident suspicion and distrust all proposals to amend the Constitution of the United States and to regard them as stealthy encroachments upon the rights and privileges of free government. This attitude of national reverence is most commendable. Without it no nation can endure; but in it lies the hope of individual security and national permanence.

This most commendable attitude of loyalty and devotion may close our eyes to glaring defects and imperfections in our Government. Patriotism is often uncomprehending, uncompromising, and blind. As American citizens it is our duty to oppose with vigor any proposal to alter or change the constitutional laws of our Nation which proposal would commit us to strange and untried policies, wholly inimical, foreign, and contrary to the accepted ideals of representative government.

On the other hand, however, the adoption of a resolution proposing an amendment to the Constitution of the United States which would assure more perfect coordination of governmental agencies and would reflect the will of the people with greater spontaneity in national legislation, without destroying the principles and ideals of government, is also a distinct mark of intense loyalty and an evidence of a high sense of patriotism. It may be more patriotic to propose and adopt a constitutional amendment than to oppose and prevent its adoption. I am certain this is true if the proposed amendment seeks to facilitate and expedite the various operations of the Government in accordance with the original intentions of the Constitution of the United States. Conscientious efforts to bring all branches of our Government into complete coordination and cooperation, and to make them directly responsive to the expressed will of the people, are born of a nobler patriotism than are those which seek to delay and impede because of peculiar loyalties and devotion to the traditions of the past. All good in government is not directly traceable to the past. The present presents new problems for solution which the past had no opportunity to solve.

The test of governments is not founded upon abstract theories and principles but upon the practical, every-day operation of governments. The Government of the United States is no exception to this rule. Its success is wholly dependent upon its ability to operate and function smoothly and efficiently in all departments and at all times. A failure in this respect presents no other alternative except a widespread dissatisfaction and discontent among those whom the Government seeks to serve.

In the Constitution of the United States we find the origin of widespread dissatisfaction and criticism of our procedure in national legislation. For many years the press of the country has advocated an amendment to the Constitution which would correct and modify the illogical and inconsistent procedure of the Congress of the United States. For several prior sessions of Congress and during the present session of the Seventieth Congress the Senate of the United States has given heed to this popular demand of the people and has adopted resolutions proposing an amendment to the Constitution which, in effect, would eliminate the direct and approximate causes for this growing dissatisfaction; but heretofore the House of Representatives has given no serious thought or consideration to any proposed plan or method to remedy the apparent evils affecting legislation. It has remained silent to the urgent demands of the people.

However, in this session of Congress the Committee on the Election of the President, Vice President, and Representatives in Congress, in the House of Representatives, by unanimous vote, has reported favorably House Concurrent Resolution 18, introduced by the gentleman from Kansas [Mr. WHITE] and the resolution has been given a rule for consideration.

This resolution, if adopted by Congress and ratified by the legislatures of three-fourths of the several States, would make the Congress of the United States more directly responsive to the will of the people and incidentally remedy the remote but possible contingencies affecting the executive or administrative division of our Government.

The resolution is in the words and figures following:

(1) *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

ARTICLE —

SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January of the years in which such terms would have ended if this article had not been ratified.

SEC. 2. The Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day. In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May.

SEC. 3. If the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, before the time fixed for the beginning of his term, then the Vice President chosen for the same term shall act as President until the House of Representatives chooses a President; and the Congress may by law provide for the case where the Vice President has not been chosen before the time fixed for the beginning of his term, declaring what officer shall then act as President, and such officer shall act accordingly until the House of Representatives chooses a President, or until the Senate chooses a Vice President.

SEC. 4. If the President elect dies before the time fixed for the beginning of his term, then the Vice President elect shall become President; and the Congress may by law provide for the case of the death of both the President elect and the Vice President elect before the time fixed for the beginning of the term, for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them.

SEC. 5. Sections 1 and 2 shall take effect on the 30th day of November of the year following the year in which this article is ratified.

The constitutional amendment, which the said concurrent resolution proposes, will affect the legislative and administrative divisions of our Government in the following manner:

First. The newly elected Members of the Congress of the United States will take office on the 4th day of January of the years in which such terms would have ended if this proposed amendment to the Constitution had not been ratified.

Second. Congress will assemble once in each year; and shall convene on January 4 of each year, except Congress may by law appoint a different day for assembling in the odd-numbered years. A new Congress will assemble approximately two months after the congressional election.

Third. The sessions of Congress in the even-numbered years shall not continue beyond noon on the 4th day of May in that year. In effect this prevents state-wide primaries and the general election of that year from interfering with national legislation.

Fourth. The short sessions of Congress will be eliminated and abolished.

Fifth. Congressional elections will be held after the second session of Congress instead of between the first and second session of Congress.

Sixth. The power of the House of Representatives to choose a President of the United States under certain conditions and circumstances is specifically affirmed.

Seventh. The terms of the President and Vice President shall begin and end on the 24th of January instead of the 4th of March.

Eighth. It also provides for three contingencies not now covered by any provisions of the Constitution, to wit:

(a) Congress will be given authority and power to provide for a possible emergency where neither a President nor a Vice President has been chosen before the time fixed for the beginning of the term.

(b) The Vice President elect shall become President in the event that the President elect should die before the time fixed for the beginning of his term.

(c) Congress is authorized to provide for the possibly remote contingency of the death of both the President elect and the Vice President elect before the time fixed for the beginning of their terms.

It is not my purpose to discuss fully the proposed amendment from the standpoint of its effect upon the administrative branches of our Government by clarifying and affirming doubtful and uncertain provisions of the Constitution, or providing for possible contingencies and emergencies not covered by any provisions of the Constitution. These are important in the sense that they should be embodied in the proposed amendment because the powers of Congress in such cases should be specifically and definitely defined. There should be neither doubts nor uncertainties with reference to the selection of the highest administrative officers of our Government. The fact that there are certain possible contingencies and emergencies not provided for in the Constitution of the United States presents a condition which merits worthy consideration by this Congress. To acknowledge and concede this situation in our Government tends only to broaden and heighten our legislative responsibility in an effort to remedy and correct.

In this connection, however, it might be noted that the said White resolution provides that Members of Congress shall begin their terms on the 4th day of January following their election in November, and also provides that the terms of the President and Vice President shall begin on the 24th day of January following their election. This interim is especially provided so that the new Congress, assembled on the 4th of January after their election, shall have sufficient time to count the electoral votes certified by the several States in determining the election of a President and Vice President as provided by the twelfth amendment to the Constitution of the United States. All provisions of the twelfth amendment concerning electors and the electoral count are preserved and maintained without any changes whatsoever. However, in the event the proposed amendment is ratified by the several States, the two Houses of Congress by concurrent resolutions will be compelled to provide for a different time than now is required by law for the electoral count.

Mr. JOHNSON of Texas. Will the gentleman yield there?

Mr. BOWMAN. Yes.

Mr. JOHNSON of Texas. The term of office, I understand, is to begin on the 4th of January, a definite date; but what about the suggestion with reference to the beginning of the session of Congress? Suppose the 4th of January should come on Sunday, would the Congress convene on Sunday?

Mr. BOWMAN. I presume so. There is nothing to the contrary. In fact, many of the parliaments of other nations convene on Sunday.

Mr. JOHNSON of Texas. The present Constitution provides that the Congress shall convene on the first Monday in December, and I was wondering why it would not be proper to have a similar provision here.

Mr. BOWMAN. The proposed amendment provides at least 20 days between the assembling of Congress and the inauguration of the President.

Mr. JOHNSON of Texas. But the President's inauguration could be fixed definitely for the 4th of March.

Mr. BOWMAN. That is possible.

Mr. JOHNSON of Texas. I understand you have to have a definite date for the term of office to begin and to expire, but I was wondering if the convening of Congress could not be fixed for a certain Monday rather than upon a specific date.

Mr. BOWMAN. I see no objection to that unless the time for the assembling of Congress might conflict with the inauguration of the President and bring the time to such a point that there would be very little time between the assembling of Congress and the inauguration of the President of the United States.

Mr. HASTINGS. Is the gentleman going to discuss what it is expected Congress would do between January 4 and January 24? It has already been suggested that the election of the President might be thrown into the House, but that has not happened for a long number of years and perhaps will not happen again. Assuming that does not happen, what is there to be done, outside of the organization of the House and the appointment of committees, between January 4 and January 24?

Mr. BOWMAN. In answer to my friend, I think the Congress could very wisely take up some of the appropriation bills and discuss general legislation pending the inauguration of the President.

Mr. HASTINGS. Prior to the message of the President and the submission of the Budget by the incoming President?

Mr. BOWMAN. I think so.

Mr. GIFFORD. Will the gentleman tell us what Congress could not do within the 20 days except to listen to the message of the President?

Mr. HASTINGS. Suppose you took up the appropriations. How is the Budget going to be submitted when you have no President?

Mr. DENISON. We have inaugurated the practice of a number of committees coming here before December and having important hearings before Congress convenes. I never did approve of it, but if we adopt this system the hearings can be proceeded with.

Mr. HASTINGS. But now we have a President and a Bureau of the Budget, and you know the views of the President on all legislation. But in this case you would not have the President and he would not have submitted a message.

Mr. BOWMAN. The greatest merit of the said proposed amendment is founded upon an honest, conscientious effort to

remedy the crude, cumbersome, and wholly illogical methods and conditions in the legislative branch of our Government. This effort should have the personal consideration and support of each Member of the present House of Representatives. Today the House stands charged and indicted before the bar of public opinion because it has refused to give thought and consideration to the most glaring inconsistencies of our representative Government. To this charge we can no longer plead the plea of confession and avoidance—confessing and conceding gross inconsistencies; but intentionally avoiding justification for changes. This plea does not join issue. It only delays and avoids issue. Indifference, carelessness, or neglect can in no wise be interpreted as a defense against the well-founded charges of the public.

The Constitution of the United States provides a two-year term for Members of the House of Representatives and a six-year term for Members of the United States Senate. Under these provisions all the Members of the House and one-third of the Senate are elected every two years. The election is held during the early part of November in the even-numbered years, and the newly elected Members of both the House and Senate are inducted into their respective offices on the following 4th of March. This creates an interim of approximately four months between the election of the Members of the House and one-third of the Senators and their informal induction into office. There is no severe criticism of this delay alone; but it is the beginning and the foundation of an irresponsive system of our Government that impedes and prevents full and complete expression of the popular will of the people in national legislation.

In the manner provided by the Constitution of the United States, Members of the Senate and the House of Representatives are elected to represent the sovereign States and the individuals, respectively, in the legislative branches of our Government; but the Constitution which creates this basis of representation also inadvertently denies to its chosen representatives in Congress the freedom and privilege to exercise the rights and duties for which they were elected. This condition is intolerable. It has no place in free government. The fact that one-third of the Members of the Senate and all of the Members of the House of Representatives duly elected in November in one year can not participate in the legislative council of the Nation until the December of the year following their election, unless there is a special session of Congress, is almost inconceivable in the range of the purpose and business of organized governments. This system checks and holds in abeyance the popular will of the people for a period of nine months from the induction of our representatives into office, and approximately 13 months from the date of their election. In this system there is no semblance of a responsive government. On the other hand, it represents an irresponsible, irresponsive, and an indifferent condition of the legislative branch of our Government—the only branch of our Government which has a direct, vital contact with the people themselves.

In the consideration of this particular phase of the problem let us look at the concrete facts confronting the House of Representatives. To do so might awaken a personal interest in this legislation. The House of Representatives is composed of 435 Members, who, with the possible exceptions of 1 or 2 Members, were elected at the general election held in November, 1926. We became Members of the House on March 4, 1927, and assembled for the first and long session of the Seventieth Congress on the first Monday of December, 1927.

Regardless of the expressed will of the people at the general election of 1926, this is the first opportunity of the Seventieth Congress to enact legislation; and, before the adoption of a legislative program or the enactment of legislation, we find ourselves entangled in the meshes of state-wide primaries for reelection which have been adopted by a great majority of the States. In this statement I am assuming that all the Members of the present House desire to succeed themselves. There are many Members of the House who aspire to represent their States in the United States Senate. However, the ambitious desires of many Members of the House of Representatives do not alter the present situation but only add strength and verity to the truth of my contention. The fact still remains that many Members of this House are prohibited and prevented from giving deliberate thought to pending legislation because of actual or threatened opposition in the early State primaries which will be held before the adjournment of the first session of this Congress. This statement is no reflection upon the honest intentions of the Members of Congress to serve well their constituents in legislative matters; but it is a criticism and arraignment against the system that prevents deliberate and thorough consideration of national legislation. This problem should be a personal problem with each Member of the House of Representatives, in that efforts for national legislation should be wholly divorced from political ambitions and aspirations.

There is still another phase of the present system which makes it still more reprehensible. Aside from the said interference with our national legislative program by the demands and uncertainties of state-wide primaries, Members of the Congress of the United States are elected between the long session and the short session of each Congress. For example, Members of the House of Representatives in the Seventy-first Congress will be elected in the general election of November next, between the long and short session of the Seventieth Congress. Consider well the system that annoys and vexes the Members of the lower House of Congress during the long legislative session of Congress and during the interim between the long and short sessions with matters entirely foreign and extraneous to legislation. After the election of the Members of the Seventy-first Congress the Members of the Seventieth Congress will continue to function in legislative matters from the early part of December, 1928, to the 4th day of March, 1929. What precedents in the parliaments of either ancient or modern times can we find to justify the existence of this obsolete system? What wonder, then, that the public has dubbed the short session of every Congress as the "lame duck" Congress! There is not a single member of this House who would permit the old directors of any corporation in which he is a stockholder to continue in the matter of directing and formulating corporate policies after a new board of directors had been elected. To do so would be to subscribe to an unwieldly, arbitrary system of corporate management.

The contemplated changes in the Constitution of the United States as proposed in the White resolution are neither an attack nor a charge against the wisdom of our forefathers in framing a constitution. They wisely provided such legislative machinery as the conditions of the age and time warranted. There were no railroads, no telegraph nor telephone lines. Mud and mire marked the trails and highways of commerce. Postal facilities were crude and inefficient. Under these conditions time was the very essence in the establishment and operation of our experimental government.

Such unsatisfactory conditions were deciding elements that practically dictated the present unreasonable delays in our legislative program. Section 3, Article I, of the Constitution of the United States provided:

> The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years——

As the legislatures of many, if not all, of the States did not convene until the beginning of a new year, it was most difficult and often impossible for the Senators to be chosen until February and March and even later. It is apparent that the constitutional provisions for delay were most beneficial to the individual States; but conditions have changed. The original cause for delay in this particular has been eliminated. The seventeenth amendment to the Constitution of the United States provides for the election of United States Senators by direct popular vote. This amendment obviously eliminates any reason for a continuance of the unpopular methods of our national legislative system.

In all other things we have grown and developed with the spirit of the times, but our devoted adherence to the traditions established by our constitutional fathers has not imparted to us their characteristic wisdom and foresight of providing and adjusting the machinery of government to meet the conditions of the age. The adoption of the White resolution by the Congress of the United States and its subsequent ratification by the legislatures of the required States would not change a single fundamental principle of our Constitution, nor does it destroy the principles and ideals of free government; but would assist, aid, and accelerate more perfectly the machinery of government established for the preservation and maintenance of representative government. To perfect and adjust the machinery of government to the conditions of the times is born of the same patriotic incentives that inspired the hopes and ambitions of our forefathers in the adoption of the Constitution. Present conditions could not well have been anticipated by the framers of the Constitution, but they must be met by us.

It is not often we turn our attention to the governments of other nations for precedent; but a comparative analysis of foreign governments reveals the startling truth that the Government of the United States of America is the only Government among the civilized nations of the world with a parliament that deliberately prevents and delays the crystallization of the will of the people into statutes of law by obsolete and illogical provisions of its Constitution. In matters of legislation, every government of the world is more responsive to the will of the people than the Government of the United States.

The practice in Great Britain has been to make the interval between the elections and the summoning of Parliament as short as possible. This practice has its origin in the fact that the ministry, which constitutes the administrative branch of the English Government, must at all times possess the confidence and support of a majority of the House of Commons. In order to determine whether or not the ministry possesses this support it is necessary to assemble Parliament very soon after the elections. In that country ministries fall and Parliaments are dissolved, and the Government must reorganize and adjust itself in accordance with the popular will and demands of the people.

Article XXIII of the German constitution, adopted August, 1919, provides that the Reichstag shall assemble for the first meeting not later than 30 days after the election. Members of the Reichstag are elected for a term of four years.

In Norway's constitution, which is called the "Grundlov," adopted May 17, 1814, the legislative power is vested in the Storthing, which shall assemble every year on the first week day after the 10th of January in each year; and further provides that the election of its members must be concluded before the end of the month of November. These constitutional provisions permit less than a 60-day interim between the election of the members of the Storthing and the assembling of its Parliament.

The lower house of Sweden's legislative branch is composed of 250 members, elected for a term of four years. The election is held in September and the constitution requires that Parliament should convene on January 1 of every year, or on the day following if this day happens to be a holiday.

Canada has a system of government similar to the Government of Great Britain. The members of the lower house, or House of Commons, are elected by the people of Canada for a term of five years. The interval between the election of the members of the House of Commons and the assembling of Parliament is necessarily exceptionally short for reasons similar to those prevailing in Great Britain.

In Hungary the law convening the annual sessions of the Diet provides that the election of representatives in the Diet shall take place throughout the country at the expiration of every fifth year and within six weeks prior to the opening of the first annual session of the new Diet. This provision creates a tenure of five years for members of the Diet and compels the new Diet to assemble within 42 days after the election of the members.

The constitution of the Commonwealth of Australia provides that the Australian Parliament must be summoned to meet and assemble not later than 30 days after the day fixed for the return of the writs of election. Members of the lower house of this Parliament are elected for a term of three years.

Brazil's constitution of February 24, 1891, provides that the election of deputies or members of the lower house shall be held on the first Sunday in February preceding the first session of the new legislature, which shall assemble in the federal capital annually on the 3d day of May. This limits the interim between elections and the assembling of its Parliaments to a period not exceeding 62 days. It is interesting to note that members of the lower house are elected for a term of three years.

In Argentina the members of the lower house are elected for a term of four years. One-half of the house is renewed or reelected every two years, and the elections are held on the first Sunday in March of all years of even number. The national legislature must meet annually, beginning May 1. This provision limits the interim between the election and the assembling of the newly elected members in Parliament to approximately 60 days.

I might continue the results of my investigation indefinitely, but each additional country named would tend to make more conclusive the truth that the United States of America is the only country in the civilized world that permits by constitutional provisions an interim of 13 months between the election of the members of the lower house and the assembling of Congress, and the only country that makes it possible for members of the legislative branch of the Government to legislate for months after their repudiation and rejection by the people. The very country that is supposed to represent the highest ideals of democracy is charged with unwarranted interference in preventing its citizens from exercising their political rights by constitutional provisions.

What is the necessity for an amendment to the Constitution of the United States? The Constitution provided and fixed definite limitations to the terms of the office of President and Vice President, Members of the Senate, and Members of the House of Representatives, but did not provide a time certain for the new Government to begin operations under the proposed Constitution. The failure to fix a definite time was due to the existing doubt and uncertainty as to whether or not the proposed Constitution would be adopted and ratified by the required number of the thirteen original Colonies. However, after the ratification of the Constitution, the Continental Congress by resolution fixed and established the beginning and the end of said terms by declaring that the new Government should go into effect on the 4th day of March. A similar resolution was later adopted by Congress under the new Constitution in 1792 which was simply declaratory. In this manner colonial existence ceased and the terms of the President and Members of Congress began on March 4, and consequently they can end only at noon on March 4. This is due to the fact that the Constitution definitely prescribed the length of terms of the said administrative officers and the said Members of Congress.

For 139 years our Government has been confronted by this epochal date of March 4, not mentioned in the Constitution, but an accident in American political history by resolutions, which date has its constitutional justification in that no term of the said officials and representatives can end sooner than that date because of the constitutional provisions declaring the length of the terms. It is evident, therefore, that no term can be shortened arbitrarily save only by a constitutional amendment. To change the dates for the inauguration of the President and the Vice President and the beginning of the terms of Members of Congress as proposed by the White resolution necessarily involves a change in the length of the terms of the said administrative officials and Members of Congress for one term only. If the said White resolution is adopted and ratified as provided by the Constitution of the United States, one four-year term of the Presidency and Vice Presidency of the United States would be reduced by practically 45 days and one term of the Members of Congress would be reduced by approximately 60 days. After this adjustment the provisions of the Constitution relating to the terms of office would continue in full force and effect.

We should not concern ourselves too much about the few complications involved in meeting the requirements of the proposed amendment; neither should we offset the constitutional advantages and benefits contemplated in the proposed amendment by magnifying and exaggerating the disadvantages in making the change. The consideration of this matter should be had without prejudice and without bias. If there is any merit in the proposed amendment to the Constitution, it will certainly justify and warrant the inconveniences and disadvantages, if any, in making all necessary changes and adjustments. To my mind, the adoption and ratification of the proposed amendment is the important issue for consideration. It is superior to all other issues. If the proposed amendment is essential, worth while, reasonable, and consistent with the ideals of our representative government, nothing should stand in the way of its immediate adoption by the House of Representatives.

Mr. JEFFERS. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman and members of the committee, the Committee on Election of President and Vice President, and Representatives in Congress, of which I have the honor and privilege of being a Member, has had under consideration this or similar resolutions for the five years during which time I have been a Member of this body.

Our committee with a commendable industry, under the leadership of our chairman, the gentleman from Kansas [Mr. WHITE] held extensive hearings and made a diligent effort to arrive at a decision on the resolution which would meet what we consider to be practically a nation-wide demand from the American people for the reforms embodied in this resolution.

In this connection may I say that the gentleman from Kansas [Mr. WHITE] will not be a candidate to succeed himself in the Seventy-first Congress. I want here and now to bear cheerful testimony to the fact that he, as chairman of this committee, has labored with an industry, fidelity, unselfishness, and patriotism which is worthy of the highest commendation. [Applause.]

I also want to state that when this resolution is submitted to the States for ratification, as I believe it will be, much of the credit, yea, the major portion of the credit for its submission, will undoubtedly be due to the senior Senator from Nebraska [Mr. NORRIS], who for years has, under the most discouraging conditions, diligently and whole-heartedly kept this far-reaching reform before Congress and the American people. Under his able leadership, three times the Senate of the United States passed this resolution, or a resolution almost identical with this one which you are considering. Three times that resolution came over from the Senate to the House. Three times the House, under fiat of the Republican triumvirate, failed to act upon the measure. Now, for the fourth time the Senate has passed this resolution, and in all good conscience the House should face the issue and submit this proposed

amendment to the States for ratification. In each of these sessions of Congress, for the last five years, the Committee on Election of President, Vice President, and Representatives in Congress, of which I am a Member, reported favorably this resolution, or a similar resolution. Patiently and persistently for five long years my committee made earnest efforts to secure a rule or place on the calendar for this resolution which would enable us to present this proposed amendment to the House for its consideration.

But no; the reactionary forces that dominate this House refused for five long years to even allow the Members of the House the poor privilege of voting on this resolution. But under the whip and spur of public opinion the House oligarchy now permits us to debate this proposal and vote on whether or not this amendment shall be submitted to the States for ratification.

I consider this a very important legislative proposal. There are in the United States two classes of individuals; one class looks upon the Constitution as a sacred document that must not be amended or altered one iota, and they are opposed, as they say, to any tinkering with the Constitution, believing that under the genius and spirit of our institutions it is better to accept for all time the conception and mechanism of government prescribed by those who wrote this great organic document in the dawn of our national life. They are not willing to amend the Constitution to meet new conditions incident to our complex and rapidly changing civilization. The other class wants to change the Constitution overnight, cure imaginary ills, and to meet every conceivable emergency of temporary condition. They want to change this, change that, and change the other, change everything, without thoughtful consideration of the proposed changes.

I belong to neither one of these classes. I reject the ultra and reactionary conservatism of one class and the unconscionable radicalism of the other class. I favor the amendment of our Federal Constitution whenever the amendment will promote better and more orderly government and insure a greater measure of social justice for the masses. I favor every amendment that will promote the interests of the American people and perfect our admirable scheme of government.

Our constitutional fathers recognized the fact that the Constitution they prepared was not a perfect document; that it would not be sufficient for all time; that new issues, new problems, new conditions would arise which would necessitate amendments to the Constitution, and so in their wisdom they made provision for such amendment. I believe the Constitution was made for the American people and not the people made for the Constitution.

There is a class of men in public life in America who believe in making it just as hard as possible to amend the Constitution of the United States. I say that this was not the conception of our constitutional fathers. They made it comparatively easy to amend the Constitution, because in the last analysis the supreme purpose in having a constitution is to promote the public good. Those who framed the Constitution realized that they were finite and could not foresee conditions that would arise in the oncoming years. They knew society and government were not static but changeable, and they provided for such changes as might from time to time be necessary.

They threw no unnecessary barriers between the Constitution and the right of the American people to amend it. They believed the people would cherish and preserve our institutions; that they would be conservative notwithstanding their progressive tendencies, and that they would not recklessly exercise their right to amend the Constitution; that they would always carefully consider every proposed change and propose amendments only when such amendments will clearly promote the public weal.

I want to call attention to the fact that since the adoption of our Federal Constitution in 1787, of the 19 amendments to the Constitution, the first 10 of them were proposed by the First Congress on September 25, 1789, and the eleventh amendment was proposed by the Third Congress on September 5, 1794, and all were adopted within a few years after the original document was promulgated and ratified; most of them were adopted almost immediately after the ratification of the original Constitution of the United States. Indeed, 10 of those 11 amendments were formulated before the Constitution was submitted, or, at least, before the document was ratified by the several States, and many of the States of the Union ratified the Constitution with the express understanding and assurance that amendments 1 to 10 had been formulated and would be submitted to the States for ratification. These first 10 amendments dealt largely with human rights, and on them is built the bulwark of American freedom.

We must look upon those first 10 or 11 amendments, not as amendments in reality, but as a part of the original document. The thirteenth, the fourteenth, and the fifteenth amendments were the fruitage of intestine conflict and were born out of the sanguinary passions, hatreds, and tragedies of the great Civil War. Then came the sixteenth amendment with reference to the income tax, and the seventeenth amendment providing for the direct election of Senators by the people, and the eighteenth amendment with reference to prohibition, and the nineteenth amendment giving to women the right of suffrage.

Does the record of the American people with reference to the adoption of constitutional amendments indicate that they will recklessly, heedlessly, thoughtlessly, and rashly emasculate or amend their Constitution? No. The fact that only a comparatively few amendments have been adopted in the 140 years of our national existence is conclusive proof that the American people are conservative, notwithstanding their progressive impulses and purposes. No, gentlemen, the American people have been exceedingly slow to amend their Constitution, and by supporting the pending resolution we are not tinkering with the Constitution but submitting a well-matured and forward-looking amendment, which will improve legislative conditions and materially aid the American people in having their sovereign will translated into legislation.

Because of the conservatism of the American people and because of the caution with which they consider changes in our organic law, we have been living under a condition of affairs which may at any time involve our people in serious difficulties, perhaps invite internal strife. I wonder if the American people realize what serious situations may result from our failure to ratify this amendment.

Let me call your attention to section 4 of this resolution; this provision that is not in the original Norris resolution. That is not to the discredit of Mr. NORRIS, because it is not found in the original House resolution. It is the result of several years' thoughtful consideration given to this resolution by the House committee of which I am a member. The more we studied the Norris resolution, the more we were convinced that it did not go far enough; and to meet a very serious defect in our machinery for the election of President and Vice President, our committee formulated section 4, which I am sure, on examination, you will find to embody exceedingly wholesome provisions which are omitted from the Norris resolution as it came to the House from the Senate. I understand this section has the approval of Senator NORRIS and its inclusion tremendously strengthens this resolution.

Now, let us see what defect in our present Constitution section 4 is designed to correct. In 1924 the American people were threatened with a serious political predicament. Suppose in the 1924 presidential election no candidate for President received a majority and the election in that event would have been thrown into the House of Representatives. Under this state of facts and under our Constitution, the Constitution that some of our colleagues do not want to tinker with or amend, if Calvin Coolidge had died between the second Monday in January, 1925, the day the Electoral College functioned, and the second Wednesday in February, the day the House of Representatives would have been called on to choose a President, the Republican Party would have been disfranchised, because the present Constitution limits the choice of the House to the three persons receiving the highest number of votes in the Electoral College, and the death of Mr. Coolidge would have left no Republican in this list of three, and in that event the Republicans in the House would have been compelled to choose between John W. Davis and Robert M. La Follette.

The election in the House would have been by States, and under the conditions I have mentioned it would have been absolutely impossible for the Republican Members of this House to have voted for a Republican candidate for President, because under the present Constitution, which some people do not want to change, it is provided that when no candidate has a majority in the Electoral College and the House functions, it must elect the President from the three highest, or, to be more accurate, the highest three, and if one of those parties dies between the time the Electoral College meets and the time Congress proceeds to elect the President the Members of the House who belong to the party of the deceased candidate have no candidate of their own party to vote for and they must either not vote at all or vote for a candidate of some other party. The American people do not realize that under our present organic law a majority of voters may be disfranchised in the next or in some future presidential election.

On the other hand, if no candidate in 1924 had a majority in the Electoral College and John W. Davis had died between the time the Electoral College functioned and the second Wednesday of February, 1925, when the House met to declare the result of the election, under the present law the Democrats

in the House could not have voted for any other Democrat, because the present Constitution provides that when the House chooses a President the selection must be made from the three who received the highest number of votes in the Electoral College. So, gentlemen, we have been tolerating a condition here that is un-American and unrepublican and undemocratic, and while this situation has never arisen we have no assurance that this condition will not arise some time in the future. Why not provide against such an intolerable situation?

In order to meet this condition the committee of which I am a member has added to the Norris resolution section 4, which takes care of a contingency of the kind I have described and provides remedies and methods by which the will of the people can be carried out under conditions such as I have mentioned. To give effect to the will of the people is the supreme object and purpose of all government.

I must hurry on. Next, I want to call your attention to the suggestion made by my leader, the able gentleman from Tennessee [Mr. GARRETT], for whom I entertain the highest respect and sincerest affection. He favors an amendment which will delay ratification by the States until one branch of each State's legislature has been elected by the people after the submission of this constitutional amendment, on the theory, of course, that the people of that State have the right to express their opinions upon this proposed change in our organic law.

There may be some substantial reason or ground for his position under some circumstances, but there is no real necessity for it in the instant case for this reason: The American people have had this Norris resolution under consideration for many years, and the public is well informed as to its provisions; and this resolution is being submitted in response to a nation-wide demand. I am convinced that the legislatures of the several States in voting to ratify or reject this resolution would reflect the will and desire of the people of their respective States.

The American Congress in its conservatism has never submitted a constitutional amendment until it has been made the subject of a nation-wide discussion, until it has been considered in and out of Congress for years, until the leading writers and thinkers of America have analyzed its provisions, and until there is a nation-wide demand for its submission. I call your attention to the fact that with the exception of the three amendments that grew out of the issues of the Civil War, there has never been submitted by the Congress of the United States a single amendment that had not been the subject of discussion for 10, 20, or 30 years; and the American people, when constitutional amendments are submitted, are in a position to act upon them intelligently and act upon them without delay.

Mr. RAMSEYER. Will the gentleman yield?

Mr. LOZIER. I yield.

Mr. RAMSEYER. What objection could there be in principle to the requirement of delay of action by any legislature until at least one branch of the legislature had been elected?

Mr. LOZIER. Answering the gentleman, I think it would be a useless ceremony. The gentleman knows that in his State of Iowa, if this amendment is submitted, the members of your State legislature who are elected next November will not be elected upon this issue. It will not be an issue in the campaign. Those men will be elected to the legislature upon other issues and upon other questions, and no good would result from the proposed delay.

Mr. RAMSEYER. If the people regard it as something vital and there is opposition to it, it certainly will become an issue in election of members of the legislature.

Mr. LOZIER. Well, my idea is that the people will never have an opportunity to ratify a constitutional amendment that has not already been the subject of discussion for 10, 20, or 30 years.

Mr. RAMSEYER. Some years ago we passed the child labor amendment through Congress by an overwhelming vote. The friends of that amendment thought there would be no difficulty whatever in getting the required three-fourths of the State legislatures to ratify it, but when it got out among the people for some reason, which we need not discuss here, there was opposition to it. Now, suppose the legislatures had met before elections were held, what would have been the result?

Mr. LOZIER. If those same legislatures had met the next day after that resolution was submitted, the action would have been the same, because it was a leading question in every State in the Union. There were many, many States in which the question was an issue, and I believe the result would have been the same, even if it had been submitted to the legislatures the day after its passage through Congress.

Mr. RAMSEYER. Does the gentleman mean to say that Congress, in passing that resolution, mistook the sentiment of the country?

Mr. LOZIER. Some Congressmen did and some did not. The point I am making is that you accomplish nothing by a delay, because the American people are just as able and ready to pass upon a constitutional amendment after its submission as they would be in two or three years from that time, because it has been the subject of disputation and consideration for many, many years.

Mr. GOLDSBOROUGH. Will the gentleman yield?

Mr. LOZIER. I yield.

Mr. GOLDSBOROUGH. The gentleman's theory, as I take it, is that the legislature will reflect the will of the people, whether the legislature is elected before or after.

Mr. LOZIER. Why, certainly, they reflect the will of the people.

Mr. STEVENSON. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. STEVENSON. The gentleman no doubt remembers that on one occasion there were two constitutional amendments adopted and ratified by the Legislatures of Ohio and New Jersey which had already been elected, but as soon as new legislatures were elected they passed resolutions undertaking to withdraw the ratification.

Mr. LOZIER. Oh, yes; and that is true as to other constitutional amendments. Some of those who had been elected after the ratification of such amendments might be in favor of repealing former action.

Mr. STEVENSON. Then there is a reason for some little delay in order that you might have the true expression of the people?

Mr. LOZIER. There is no reason, only a pretext. Those, it seems to me, who favor this proposition want to make it just as hard as possible and throw just as many obstacles as possible in the way of the adoption of the constitutional amendment. My theory is that the American people have the right to change their laws. The American people under our form of government have a right to be wrong if they want to be wrong.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. GARRETT of Tennessee. The American people do have such a right, and I am making an effort to give them an opportunity to exercise that right. The gentleman surely does not mean to say that fewer than 4,000 ought to have the right to change the Constitution.

Mr. LOZIER. Four thousand members of State legislatures, drawn from the body of the public——

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. JEFFERS. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. LOZIER. Four thousand members of the legislatures, drawn from the body of the public, knowing the sentiment of the people whom they represent, are capable of casting their vote for the approval or disapproval of constitutional amendments of this character.

Now, just one moment before my time is consumed. The gentleman from Alabama [Mr. BANKHEAD] has proposed an amendment, or will propose an amendment, to make the elective term of Congressmen four years.

Mr. GARRETT of Tennessee. Will the gentleman yield further?

Mr. LOZIER. Yes.

Mr. GARRETT of Tennessee. In the gentleman's own State of Missouri, in order to amend the State constitution, do you not have to submit it to a popular vote?

Mr. LOZIER. Oh, yes.

Mr. GARRETT of Tennessee. Does the gentleman contend that his legislature is not capable of amending the constitution of his State?

Mr. LOZIER. Oh, no; no one contends that, and that argument is not apropos. Amendments to State constitutions must be submitted to the people of the State because the organic law prescribes the method and the formula by which the State constitution may be amended.

Now, with reference to the Bankhead amendment: I am opposed to it. In the first place, it is poor strategy for the friends of this resolution to vote for this amendment. I do not believe it should be tacked onto this resolution; and if it is adopted, I believe it will defeat the submission of this resolution and, if submitted, prevent its ratification.

The Bankhead amendment injects a highly controversial matter into this resolution. I am opposed to the Bankhead amendment in toto. I favor a two-year term for Representatives for reasons that I will state before the debate on this resolution is concluded.

The American people want this Norris-White resolution submitted. They know what it is. They are ready to vote upon

it. But the other proposition embodied in the Bankhead amendment has not been the subject of nation-wide discussion and, as a matter of fact, the American people have not made up their minds on that question. Why should we endanger the submission and ratification of the Norris-White amendment by incorporating a lot of half-baked provisions, some of which might be meritorious when considered separately, but I certainly will oppose tacking the Bankhead amendment onto this resolution.

A few more words and then I am through. I am opposed to the provision in section 2 which limits the life of Congress on even-numbered years to four months. If this provision remains in the resolution, you will have under the new system just what you are trying to get away from in the old.

This provision in section 2 automatically and arbitrarily limits the life of every other congressional session to four months, and no matter how much legislation may be pending Congress must adjourn in even-numbered years on May 4, or four months after it convenes. If the public business demands a longer session, why compel Congress to adjourn before important public business can be completed? By limiting this session to four months you are making it easy to defeat legislation by filibustering. You are making it harder for Congress to function.

While I voted to favorably report out this resolution, I voted in the committee against this amendment limiting every other session of Congress to four months, and I notified my associates on the committee that I would oppose that part of section 2 when it came before the House for consideration, and if I can have an opportunity I am going to offer an amendment at the proper time to strike out this provision which limits the life of Congress on even-numbered years to four months.

My friends, there is no reason for such a provision. If the business of the Nation is of such a character as to demand and require that Congress stay in session five, six, seven, or eight months instead of four, why should we limit any session to four months? What right have we to put all future Congresses in a strait-jacket and say in our Federal Constitution that they must not remain in session more than four months in even-numbered years?

In reason, now, what right have we to say that the Seventy-first Congress or the Seventy-second Congress or the Seventy-third Congress, or any or all succeeding Congresses, must adjourn on May 4 without regard to the condition of the public business? I do not care if the even-numbered years are political years. I do not care if they are campaign years. If the business of the Nation is of such a character as to require and justify Congress remaining in session longer, then certainly each Congress should be permitted to determine that matter for itself. [Applause.]

Mr. LEAVITT. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. LEAVITT. Even if that provision were in the Constitution, would it not be possible under other provisions of the Constitution for the President to call the Congress in extra session the next day?

Mr. LOZIER. Oh, yes; and that is why the adoption of this resolution is demanded by the American people. The idea of the American people electing Representatives to Congress and then providing no Congress in which they may serve! The present system is absurd, because men elected to Congress do not take their seats until 13 months after their election—until their terms are practically half expired. The American people have the right to register their will on economic problems at the ballot box. They have the right to have their will translated into laws without waiting 13 months for Congress to convene.

True, the President may, if he so desires, call a special session of Congress, but this means that everything depends on the whim or caprice of a President. And some Presidents would, no doubt, be happy if there would be no more sessions of Congress to interfere with their bureaucratic administration of public affairs.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. LOZIER. I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. I would like to ask the gentleman this question. The Senate filibustered, so the papers say, last spring because they knew that Congress, by constitutional limitation, would expire on the 4th of March. Now, if the Constitution, in accordance with the proposed amendment, is to fix——

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. JEFFERS. Mr. Chairman, I yield the gentleman one additional minute.

Mr. COOPER of Wisconsin. If the Constitution is to be amended as proposed by this resolution and the day fixed in the instrument when Congress shall adjourn, would it not simply invite the same style of filibuster?

Mr. LOZIER. Yes; the gentleman from Wisconsin has clearly sensed the situation that would inevitably result if this four-month limitation is not stricken out. And, moreover, gentlemen, this four-month limitation puts every succeeding Congress in a strait-jacket.

Mr. STEVENSON. Will the gentleman yield?

Mr. LOZIER. Certainly.

Mr. STEVENSON. The gentleman overlooks the fact that Congress can itself fix any date it wants to meet upon, and therefore Congress can say it shall meet every year on the 4th of March and the Congress elected on the 1st of November will go into office the 4th of March, or nearly as soon as you are providing under this resolution.

Mr. LOZIER. I have not overlooked the fact to which the gentleman from South Carolina refers. I know that under the present system Congress can enact a statute providing for a session of Congress immediately after March 4 on odd-numbered years. But that will not correct the manifest injustice of allowing Members of Congress who have been defeated for reelection continue in office and legislate three months after they and their policies have been repudiated by their constituents. The power to which the gentleman refers does not do away with the so-called lame-duck Congresses. And, moreover, many of the other defects in our present system which will be cured by the adoption of the Norris-White resolution can only be reached and corrected by a constitutional amendment.

Under unanimous consent granted to revise and extend my remarks, I desire to call your attention to some concrete problems that confront us and which relate to the election of a President and Vice President:

I. A PARTY NOMINEE MAY DIE BEFORE THE NOVEMBER ELECTIONS

A constitutional amendment is not necessary to cover this case:

First. Theoretically the electors would be free to choose. An elector, as a legal proposition, is not compelled to vote for the presidential nominee.

Second. Congress by general statute—passed now—could postpone the day of election or the day of the meeting of the electors in order to give the political party whose candidate had died an opportunity to make another nomination.

Third. This is a problem which the political parties themselves should be prepared to meet.

II. A PARTY NOMINEE MAY DIE AFTER THE NOVEMBER ELECTIONS AND BEFORE THE ELECTORS VOTE

For the reasons specified above, a constitutional amendment is not necessary.

It might be noted at this point that undoubtedly votes cast by electors for a person who has died would be invalid and would not be counted. The problem confronting the political party, therefore, would be the designation of a person for whom electors could vote. For if one name is not presented the electors chosen from that political party would probably so scatter their votes that the election would be thrown into the House. Practical difficulties, of course, would be encountered, if, for example, only a short time remained before the meeting of the electors.

As stated above, however, the political parties themselves should be prepared to meet this problem.

III. THE PERSON WHO HAS RECEIVED A MAJORITY OF THE ELECTORAL VOTES MAY DIE AFTER THE ELECTORS VOTE AND BEFORE THE VOTES ARE COUNTED

In case the candidate successful in the Electoral College should die after the votes are cast and before the votes are counted by Congress, the principal problem is whether the votes cast for him could be counted; that is, whether the terms "the person" and "no person," as used in the twelfth amendment, would be interpreted to mean only a living person.

If the votes for the candidate who has died can not be counted, the election would be thrown into the House, for no person would have a majority. If a majority of the States in the House were of the same political party as the deceased candidate, that party would undoubtedly attempt to prevent the election of a President. If they were successful, and if the House did not choose a President before the day set for the beginning of his term, then under the provisions of the twelfth amendment the Vice President would become President. However, if a majority of the States were not of the same political party as the deceased candidate, a President might be chosen by the House. The problem involved in the determination of the persons for whom the House could vote is discussed in IV, below.

It may seem inconceivable to some that the votes for the deceased candidate can be counted. A definite interpretation, of course, can not be given, but an analysis of the functions of Congress indicates that no discretion is given and that Congress must declare the actual vote. I will discuss this matter later on in more detail, but in order to present the problem, however, let us assume, for the purposes of this discussion, that the votes of the deceased candidate will be counted. In this case he would be declared elected President. The problem then is, Would the Vice President became President; that is, does the sixth paragraph of section 1 of Article II cover the death, and so forth, of a President elect?

Constitutional writers say, and the wording of the paragraph supports the conclusion, that it is applicable only to those actually in office. On the other hand, if the Supreme Court were confronted with the practical application of the paragraph, it is very probable that it would decide that the Vice President elect would become President.

In order to remove all possible doubt and to render unnecessary a judicial decision the Constitution should expressly declare that, in the event that the person who has received the majority of the electoral votes dies, the Vice President elect should become President.

IV. IF THE ELECTION OF THE PRESIDENT IS THROWN INTO THE HOUSE, ONE OF THE THREE HIGHEST MAY DIE BEFORE THE VOTES ARE COUNTED

This situation may arise either because no person has received a majority of the electoral votes or, as pointed out in III, above, because it is decided that the votes for a deceased candidate can not be counted.

The principal problem presented is: For whom may the House vote; that is, would they be limited to the remaining two of the three highest or would the fourth person on the list be substituted for the deceased person?

In no event could the House vote for a person of the same political party as the deceased candidate. It would then be necessary, politically, for that party, through political strategy to prevent an election by the House, and risk securing favorable results in the Senate—assuming that the election of the Vice President is thrown into the Senate, as would undoubtedly happen. If only the two highest are to be voted upon, it would be much more difficult for the members of that party to divide their votes and thus prevent an election than it would be if the fourth highest could also be voted upon.

Should this contingency be covered by constitutional amendment? I think so, and prudence justifies this action. While the probability of this situation ever occurring may be remote, wisdom suggests that every possible complication and uncertainty be obviated. During our entire history the election of the President has been thrown into the House but twice, and never has one of the successful candidates died before the 4th of March. But theoretically the above situation is possible and may arise at any time. There is no sound reason why provision should not be made to meet this contingency.

V. DEATH OF THE PRESIDENT ELECT BEFORE THE DAY FIXED FOR THE BEGINNING OF HIS TERM

This situation might happen in case of the death of the person who received the majority of the electoral votes after the votes are counted and he has been declared elected; or, in case the election has been thrown into the House, after choosing by the House and before the day fixed for the beginning of his term.

The same problem presented in III above is presented, Would the Vice President elect become President? (It should be noted that in this case, however, the election can not be thrown into the House.)

It would seem that there should be an express declaration that the Vice President elect should become President.

VI. DEATH OF THE VICE PRESIDENT ELECT

There is no immediate emergency presented if a candidate for Vice President, or if the person chosen Vice President, dies before the time fixed for the beginning of his term—assuming that the President elect is living upon the day fixed for the beginning of his term.

If the election is thrown into the Senate, a similar political difficulty arises as in the case of the election of the President by the House. For whom can the Senate vote? If the third highest on the list is not substituted for the deceased candidate, it would mean that the Senate would have no choice, but would be forced to vote solely for the one living candidate.

VII. DEATH OF BOTH PRESIDENT ELECT AND VICE PRESIDENT ELECT

This situation should be expressly covered by constitutional amendment.

There is no specific provision in the Constitution applicable to this case. Even assuming that the "necessary and proper" clause (the last paragraph of section 8 of Article I) would be interpreted as giving Congress power to act, a final decision would necessarily require several months or more. A specific provision in the Constitution will prevent this period of uncertainty.

The principal problems of policy are—

First. Should Congress declare what officer is to act as President for the entire term; or

Second. Should Congress declare what officer is to act until a special election can be held?

Third. If a special election is held, should it be only to elect a President to hold office during the remainder of the unexpired term, or for a complete term of four years?

CONCLUSION

Two situations should be covered by constitutional amendment:

First. There should be an express declaration that, in the event of the death of the President elect, the Vice President elect should become President.

Second. There should be an express declaration that, in the event of the death of the President elect and the Vice President elect, Congress should have power to meet the situation, with an express declaration of the policy adopted—either that the designated officer is to hold office for the entire term, or that he should serve until a special election is held and a President elected for the remainder of the term.

I have thought it worth while to discuss in detail the law with reference to the election of a President and Vice President. I have, I believe, shown that the present system is archaic, indefinite, and obviously very incomplete. Serious complications may at any time result from our failure to correct these defects. The Norris-White resolution, if submitted and ratified by the States, will remedy practically all the defects in our presidential election machinery. I shall vote to strike out the provision in section 2 that limits the sessions of Congress in even-numbered years to four months. I have advocated the submission of this Norris-White amendment ever since I came to Congress. I hope it may be submitted to the States for ratification without further delay. [Applause.]

Mr. JEFFERS. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. LEA].

Mr. LEA. Mr. Chairman and gentlemen, every consideration of public welfare suggests that no constitutional amendment should be proposed without the most serious consideration by Congress. On the other hand, if provisions of the Constitution are inimical to the best interest of the people, the duty to amending the Constitution is greater, more positive, and certain than is the duty to amend an ordinary law of this country.

VACANCIES

I am in favor of the first section of this proposed amendment. I am opposed to two provisions in its subsequent sections. It is for the purpose of calling attention of the House to these two features that I have requested an opportunity to address you. I call your attention to the provisions for filling vacancies in the offices of President and Vice President. The Constitution at present provides for the filling of such vacancies that occur after those officers have been installed. The object of sections 3 and 4 of the proposed amendments is to take care of vacancies that originate before these officers are installed. As I view the proposed amendment, it is to a degree improvident because it fails to furnish a method of filling vacancies in all those cases where it is now recognized such vacancies may occur.

For 100 years every person, every student of the Constitution of our country has recognized there is a gap in the Constitution of the United States in reference to filling vacancies. We are in danger at any time of facing a vacancy in the Presidency without a constitutional method of filling it.

The Constitution provides for filling vacancies due to the "death, resignation, or inability to discharge the powers of duty of said office," and so forth, by the incumbent.

These proposed amendments in attempting to provide for vacancies that originate before the President and Vice President elect are installed fail to provide for a case of inability of the President to fill the office—for the vacancy caused by insanity of the elected man or to provide for the case of a man who refuses to accept the duties of the office. Such a refusal might occur in cases where there might be an exposure of corruption in the election. The guilty candidates would necessarily be impeached and thrown out, if installed. They would therefore refuse to qualify. We should provide for every vacancy that may occur.

What does the proposed amendment do? It provides for two conditions under which the Constitution will automatically provide for filling the vacancies. The first is when the President

is not "chosen" before the beginning of the term. The second is when he dies before the beginning of his term. Vacancies due to the physical inability or insanity of the President elect or his refusal to act are totally ignored.

In four other cases in the proposed amendment it is provided that Congress shall have the power to provide for filling vacancies in the case of the Vice President. This amendment, let me say without disrespect, approaches those questions from the back door. It attempts to define several particular causes of vacancies and then authorizes Congress to fill the specified vacancies that may so occur. The important thing is not what occasions the vacancy. The important thing is to fill the vacancy that occurs, regardless of how it occurs.

I am going to offer an amendment proposing a substitute for sections 3 and 4, one simple section that will provide for all vacancies covered by those two sections and for all other possible vacancies that may occur. At this time I am going to ask the Clerk to read this amendment for the information of the House.

The Clerk read as follows:

Amendment to be offered by Mr. LEA: Strike out section 3 and insert:

"SEC. 3. If a President is not chosen before the beginning of a presidential term, or the President elect dies, or fails to qualify or enter on the execution of his office, then the Vice President elect shall act as President until the disability be removed or a President shall be elected. Congress may provide for filling a vacancy in the office of Vice President due to a nonelection or to a contingency not otherwise provided for in the Constitution."

Mr. LEA. If that amendment carries, I will follow it by a motion to strike out section 4, which would thereby be made unnecessary. This amendment would simplify and clarify this resolution. It would cover all vacancies that may hereafter occur. It would complete the gap in the Constitution as to vacancies.

AUTOMATIC END OF SESSION

The other feature of these amendments to which I direct my remarks is one which has already been mentioned here, the proposed provision that automatically terminates the second session of Congress. This proposal will have this effect: A Member of Congress is elected for 24 months. Under the provision proposed here, at the end of 16 months we automatically retire the Congressmen. We place them in a congressional reserve force. We leave the President the power to call us back to duty, but unless the President sees fit to call us back, or we provide for a second session by law, we are functionless.

Now, if I understand the history of America, if I understand the value of the Constitution to the United States, the first duty of this Congress is to preserve its own independence. There never was a time in the history of this Republic when it was more important to preserve the independence of Congress than it will be in the few decades that are in front of us. [Applause.] This amendment proposes a debasement of the Congress of the United States. I am thoroughly convinced that the great offense of the Congress of the United States is its own subserviency, its lack of courage, its lack of independence, its dodging of responsibility, its failure to stand up and perform the functions that were assigned it by the Constitution of our country. [Applause.]

Contemplate for one moment the powers of the executive department that are being accumulated in this Government. I have no reference to immediate conditions, but I am looking at it from the standpoint of the years. The executive departments are expending $4,000,000,000 a year. They have 540,000 civilian Federal employees, and in addition the Army and Navy. All the Federal judges of the country are appointed by the President, all the prosecuting attorneys, all the Federal peace officers, the members of the Interstate Commerce Commission, the Federal Trade Commission, the Tariff Commission, the Shipping Board, the Federal Reserve, the heads of all departments, the Director of the Budget, and the heads of all the activities of the Government. All this power is accumulated and concentrated in the President. He has a prestige and a power never before known in any government in the history of civilization. The possibility of the abuse of that power is everywhere.

One of the greatest duties, as I see it, that devolves upon Congress is to be here to perform its functions. I have been here 11 years, and I make bold to express the thought that the primary demand, speaking cynically, of the executive departments of the Government is for money and power. When we give money and power, after that the Congress becomes a nuisance. But it may be that at that very point commences the real duty and the real value of Congress. I am not in favor of Congress itself perpetuating its own debasement and its own humiliation and helping to write it into the Constitution of our country. On the contrary, I would rather see Congress turn, as it ought to turn, from the way it has already gone too far, and write a record of independence and courage and self-reliance. Is Congress so lacking in men of quality, courage, and intelligence that we ourselves must help to write into the Constitution of our country our own distrust of our own fitness to answer the poor question, "When shall we quit and go home?" [Applause.] Is Congress devoid of men of courage and independence?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WHITE of Kansas. Mr. Chairman, I would like to speak for one minute by unanimous consent.

The CHAIRMAN. The Chair understands the time is fixed by the rule. The gentleman can yield time to himself.

Mr. WHITE of Kansas. Then I yield myself half a minute. I overlooked for a moment the fact that the time was to be divided equally between the chairman of the committee and the ranking member. But we expect to yield time equally to those opposing and to those favoring the resolution, and if the gentleman from Alabama [Mr. JEFFERS] will concede me this time, I would like to yield 10 minutes to the gentleman from Connecticut [Mr. MERRITT] or more if it is desired.

The CHAIRMAN. The gentleman from Connecticut is recognized for 10 minutes.

Mr. MERRITT. Mr. Chairman, during the past 10 years the attention of the country, so far as the Constitution is concerned, has been so much taken up with the eighteenth amendment, commonly known as the prohibition amendment, and the nineteenth, known as the woman suffrage amendment, that little attention has been paid to the far-reaching effect of the seventeenth amendment, which provided for the election of Senators by popular vote. This amendment, with the very general adoption throughout the country of the direct primaries for nominations, marked, in my opinion, the most far-reaching departure from the basic ideas on which the Constitution was founded which has occurred in the history of the Nation.

I am not bold enough, and it is not necessary before this House, which contains so many eminent constitutional lawyers and students, to discuss in detail the story of the Constitution. But all will agree that what the founders intended to produce was a representative Republic and not a strict democracy. The arguments which were used to change the method of election of Senators and change the method of nominations were that the changes would give the people more direct voice in the election of their representatives, and also that it would do away with the influence of individuals and corporations of great wealth in the choice of Senators and Representatives.

I think it will be conceded that whether or not these changes have made the action of the people more direct, the result has not been any substantial improvement, but perhaps rather the reverse, in the average character of the Members of the other body. Certainly the seventeenth amendment has not removed either the influence of individuals and corporations of great wealth, but rather has made it impossible for men without great wealth of their own or who are not backed by great wealth to conduct a primary campaign in any of the large States.

Most, if not all, the scandals which have occupied the attention of the country in connection with the election of Senators in the past few years have been connected with direct primaries.

I mention these facts for the purpose of illustrating the danger of changes which alter or tend to alter the frame of our Government, which was founded by men of great wisdom and who were profound students of the history of government throughout the world. Assuming, as I think we safely can assume, that human nature has not fundamentally changed, we can not safely ignore the teachings of history.

A reading of the Constitution and the debates of the Constitutional Convention will show that the founders were anxious to provide proper checks and balances not only to preserve the rights of individuals against the action of government and the rights of sovereign States, but also the rights of minorities against oppression by majorities.

They also intended to guard against hasty legislation and to provide for due consideration of measures before they should be passed. The result of their labors was to produce a constitution which has been the admiration of the world, and under which this country has grown from a union of weak and straggling colonies along the Atlantic seaboard into a nation of continental extent and with more than a hundred millions of people. It has provided a stable local government by sovereign States and an efficient Central Government by an indestructible union of those States.

What I am contending for is that with this history of 150 years, and knowing the dangers and the troubles which have come from several of the amendments which have already been made in the Constitution, the least that can be said to-day is

that those who propose changes in the Constitution should, in the first place, be able to show actual evils and actual harm which have come to the Nation by reason of existing provisions and prove also that their suggested change would not only cure evils they allege but not produce other evils in their place which may be even greater.

So far as I have seen, the arguments on which this proposed amendment is based are, first, that a new Congress should meet almost immediately after its election to carry out any supposed mandates of the people; and second, that evils may occur in the present short session from so-called lame ducks. As to the first argument; if there is any mandate from the people which should be promptly carried out, history has shown that in case of a great emergency like the World War party lines are obliterated and any Congress will, as a matter of course, carry out the policy of the ruling administration and the mandates of the people. But supposing that, even in time of peace there should be a very distinct overturn in the membership of Congress, and supposing that the then existing Congress, under present arrangements, should not be willing to vote in accordance with the results of the election, the greatest necessary delay under existing conditions would only be 60 days, because the President could call an extra session as was done several times during the war, to meet on the very day after the Congress in office had ended. And it is inconceivable that a delay of 60 days, except in case of war, when it could not possibly occur, would be of any importance to a great nation. It should be pointed out here that, as a matter of history, overturns in Congress have usually occurred in the midst of a presidential term, there having been many instances where the majority of Congress and the President did not agree. This was anticipated by those who founded the Constitution and was intended as a matter of conservatism so that the policies of the country should not be rudely and frequently overturned, as they appreciated might be the case if we followed the continental system of making the Executive dependent on the legislature.

As to the second objection, about the danger from the presence in Congress of lame ducks, I am not aware of any serious or lasting injury which has ever happened to the Nation because of them.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MERRITT. Yes.

Mr. CELLER. Is the gentleman aware that three presidential elections in the House of Representatives were determined by lame ducks? I refer to the election contests between Burr and Jefferson, and John Quincy Adams and Jackson, and Tilden and Hayes. Does the gentleman think that was a fair proposition, to let lame ducks participate in that election in the House?

Mr. MERRITT. I said I was not aware of any lasting or serious injury that would happen, or that had happened.

Mr. CELLER. Was not that lasting and serious?

Mr. MERRITT. It was not. It appears to me that in ordinary times it is an advantage to the country that the newly elected Congress should not meet for several months after it has been elected. With modern methods of communication, favoring, as they do, all kinds of propaganda, it is easy to stir up popular movements which, on further consideration, may prove to have no just basis. It is much better, after the excitements of an election are over, to have time for careful consideration of matters which have been agitating the public mind. There is not the slightest fear that general public opinion which persists will not be duly embodied in the law.

There are a number of instances where hasty legislation has caused great confusion and, I believe, harm to the Nation. But, as I have said before, I am not aware of any case where delay in legislation has caused any lasting injury.

With the changes to which I have referred, which have been in the direction of strict democracy and direct action by the people, the necessity for reasonable delay and reasonable consideration of important measures has greatly increased.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. SNELL. Mr. Chairman, I ask the gentleman from Kansas to yield five minutes more to the gentleman from Connecticut.

Mr. WHITE of Kansas. I yield five minutes to the gentleman.

The CHAIRMAN. The gentleman from Connecticut is recognized for five minutes more.

Mr. MERRITT. Where a man has been through an intense campaign, first in the primary for the nomination and then for an election in a congressional district and, still more, throughout a whole State, his attention and energies have naturally been centered on winning votes for himself. Under these circumstances there is a great temptation to advocate measures and to make promises which will attract the greatest number of votes, and these measures under such conditions will be framed not primarily because of their wisdom or not because they appeal to the judgment of the candidate himself but on the other hand they will be such as lend themselves to some popular slogan and which appeal to the mass.

After an election of this sort not only do the people themselves need some time to consider the questions more calmly but a successful candidate will after a few months be better qualified to form a cool and unprejudiced judgment if he has to consider the matters which he so glibly supported during the heat of an election when the catching of votes was the great consideration.

It is certain that history has not shown that referendum votes are governed by the calmness or reason which should govern a Representative in the considerattion of his vote which directly affects the law. And therefore, as I have said, after the excitement of a great popular contest and election the country and Members of Congress would be better for a considerable delay before beginning their actual work of lawmaking.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. MERRITT. Yes.

Mr. GIFFORD. As a matter of opinion, does not the gentleman agree that the other things contemplated in the proposed amendment ought to be remedied and remedied now?

Mr. MERRITT. I will speak of that later. Let me repeat my last sentence.

So far as I have been able to observe, there has not been in the country at large any strong opinion or decided movement for the change in the Constitution which is now under consideration. It seems to have been based on purely theoretical grounds which has no basis in history or in fact; that is to say, no evils have been shown, and the country has suffered no harm from the present practice, and therefore there is no cause for any change. The movement has been pushed by a persistent and active minority who base their argument on suggested evils that may occur, and it has been acquiesced in to some extent by those who think that it probably will do no harm.

Mr. LOZIER. Will the gentleman yield?

Mr. MERRITT. I yield.

Mr. LOZIER. Do I understand the gentleman's position to be that the American people, after they have considered and voted upon a proposition, have no right to have their will written into law under our system of government, and that a Congress which has been rejected shall serve as a wet nurse for the American people for a period of 13 months? Is that the position of the gentleman?

Mr. MERRITT. The old Congress goes out in three months.

Mr. LOZIER. But under the present system the American people have no absolute right to have a session of Congress reflect their will for 13 months after the election?

Mr. MERRITT. They have under the Constitution, if the President thinks best.

Mr. MOORE of Virginia. May I interrupt the gentleman for a moment?

Mr. MERRITT. Yes.

Mr. MOORE of Virginia. If Congress wishes to do it, Congress can provide for a new Congress to come in on the 4th of March?

Mr. MERRITT. They can.

Mr. MOORE of Virginia. Which will only mean a difference in time, as provided in the proposed amendment, between a date in January and the 4th of March.

Mr. MERRITT. Yes; less than 60 days.

Mr. LOZIER. And will it not save the damage that a Congress can do that has been rejected by the American people?

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. WHITE of Kansas. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. LEAVITT. Will the gentleman yield?

Mr. MERRITT. Yes.

Mr. LEAVITT. Is it not provided in the present Constitution that in case of a national necessity the President may call Congress in session on the 4th of March?

Mr. MERRITT. It is.

Mr. MONTAGUE. Would it interrupt the gentleman if I suggested that since the Sixty-fifth Congress the average turnover has been 12 per cent of the Members of the House?

Mr. MERRITT. That is true.

Mr. MONTAGUE. And of that turnover fully 70 per cent has been by voluntary retirement?

Mr. MERRITT. That is true.

But no change in the Constitution should be undertaken on any such grounds; that is, on the theory and on the ground that no harm may result, because history has shown that changes have produced evils which have not been anticipated and that therefore any additional changes should be based only upon the proof of positive present evils and upon sound reasons for hoping for future benefit. In this case, in my opinion, the reasons both from history and from theory are against the adoption of sections 1 and 2 of the joint resolution.

There may be some reason for the adoption of sections 3 and 4, although the country has thus far suffered no harm from the absence of these sections, but conceivably there might be confusion under certain conditions set forth. But they form no necessary or inferential reasons why sections 1 and 2 should be adopted.

I hope therefore, Mr. Chairman, that the joint resolution, and especially sections 1, 2, and 5 thereof, may be not adopted. [Applause.]

Mr. JEFFERS. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. BOWLING]. [Applause.]

Mr. BOWLING. Mr. Chairman and gentlemen of the committee, I do not think there will be any very great danger to the Republic if this amendment is never adopted. At the same time, as it is drawn, it achieves an excellent purpose that has already been pointed out to you, but which I desire to emphasize and that is that it destroys that 13 months of time which now exists between the election of a Member of Congress and the assumption of his duties. That is entirely too long a time to elapse, and I think it is wise that this Congress has begun to consider the question of eliminating that from our system. That works in several ways detrimentally, it seems to me. One is personal, of course, to the Member of the House of Representatives. I happen to know right now two individual instances of Members of this present House who were elected in November, 1926, but did not begin to discharge their duties as Representatives until December, 1927, and before they were ever sworn in as Members of the House of Representatives they were confronted with active and announced opposition to their reelection, the argument against their reelection being that they had done nothing. That reminds me of something that the late Champ Clark said to me one day. I asked him in the course of a conversation what it was that his opponent had as a campaign issue against him in 1920, the year of his defeat, and he said:

> Well, the same thing that you will have brought against you and that every other man will have brought against him if he stays in Congress long enough, and that is that he had never done anything while he had been a Member of Congress.

Of course, as I say, that is just merely a personal thing, but usually Members of Congress and Presidents are elected on political issues, and the attention of the country is directed to some great question of public policy and the country has determined by its vote in the election that it desires certain things to be done by the Congress. Those things should be done as soon as is reasonably possible after the mandate of the people has been ascertained. So far this reason that 13 months' hiatus should be destroyed; and really, I think, so far as this amendment goes, that is the most important thing in it, and all of the rest of it might be left out without disturbing anything. We have been getting along here for 139 years with conditions as they are, but all of the while objections being raised to this 13 months' elapsing between election and the assumption of office.

I really believe that the inherent power of the Congress under the Constitution would permit it to legislate to meet several of the contingencies that are sought to be met by section 3 of the proposed amendment. I certainly think that the amendment proposed to be offered by our colleague from California [Mr. LEA] meets that situation in decidedly better form and language than that proposed in the printed copy of the resolution. So much for that.

Really, gentlemen, I think one of the most valuable things that has come to us is the opportunity to offer some other amendments to this resolution that might never have been considered for lack of opportunity. One of them is the provision that has been suggested by the gentleman from Tennessee [Mr. GARRETT], the seven-year period of limitation, which, I think, should certainly be incorporated in principle, if not actually in years. You are familiar, of course, with the fact that we have flying in the air, so to speak, a number of amendments that were submitted to the States 100 years ago which might, so far as any law is concerned, be taken up now and ratified by the States of the Union. I understand, of course, that the Supreme Court of the United States has held that the time contemplated for ratification must be a reasonable time, and that a long period of years, 50, 75, or 100 years, from the time of the submission of an amendment without ratification would render it null.

Mr. CELLER. Will the gentleman yield?

Mr. BOWLING. I yield to the gentleman.

Mr. CELLER. There seems to be a good deal of common sense in that decision of the Supreme Court in the case of Dillon *v.* Gloss (256 U. S. 368), because the gentleman will quite agree that the action of the States in ratification could not be cumulative over 50 years or 100 years, because there must be contemporaneous action implied between the presentation of the amendment by the Congress and the ratification by the States.

Mr. BOWLING. Yes.

Mr. CELLER. So that there must be some unity of time involved within the contemplation of the framers of the Constitution.

Mr. BOWLING. That is the theory on which the Supreme Court acted, I apprehend, in rendering their opinion.

The other proposition suggested by the gentleman from Tennessee [Mr. GARRETT] is that before this amendment shall have been voted upon by a State that at least one of the houses of the legislature of that State shall have been elected. I think this is a very wholesome provision, notwithstanding the argument advanced by the gentleman from Missouri [Mr. LOZIER].

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. BOWLING. In just a moment. When I finish this statement I will be pleased to yield.

The only way to reach that is through the amendment submitted. The States can not reach that situation by their own legislative enactment. They can not provide for a referendum on a constitutional amendment. They can not provide that their own legislative body must be elected after the submission of the amendment. This has been held by the Supreme Court, the theory being that when a State legislature acts upon a constitutional amendment submitted to it the State is then an agency of the Federal Government, and for that reason no legislative enactment of that legislature itself is binding upon them.

It so happened that with respect to the ratification of the woman suffrage amendment down in Tennessee the legislature met there and ratified that amendment in defiance of an act of the Legislature of Tennessee which demanded——

Mr. GARRETT of Tennessee. In defiance of a provision of the State constitution.

Mr. BOWLING. I thank the gentleman. I was thinking it was an act of the legislature.

The State of Tennessee had provided in its constitution that at least one of the houses of the legislature should be elected after the amendment was submitted, and in the face of that the legislature met and passed its resolution of ratification of this particular amendment, and the Supreme Court would have said, in view of another decision it had rendered, that it could do that because the legislature was acting merely as a Federal agency.

So, gentlemen, this is the only way you can reach this situation, and I think it is very wholesome that it should be reached in order to give the State an opportunity, if it so desires, to have every such amendment made a part of the issues upon which the legislature is elected.

I now yield to the gentleman from New York.

Mr. O'CONNOR of New York. The gentleman has referred to the gentleman from Missouri [Mr. LOZIER] as being in opposition to the position of the gentleman from Tennessee that at least one house of the legislature be elected.

Mr. BOWLING. Yes.

Mr. O'CONNOR of New York. Now, in Missouri, the same State from which the gentleman comes, there was a state-wide referendum on prohibition, an amendment of the State constitution, that was defeated.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. JEFFERS. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. O'CONNOR of New York. There was a state-wide referendum on prohibition, an amendment of the State constitution, that was defeated by 75,000 votes, and at the same election the legislature was elected. That legislature met in January and ratified the eighteenth amendment.

Mr. BOWLING. I can see how that might have happened by reason of the distribution of the representation in the State legislature; but, gentlemen, it does not change the proposition, that seems to me is a sound one, that the State that proposes to bind itself and all the other States by the ratification of a constitutional amendment should have the attention of the electorate of the State called directly to that issue, among the other issues that are involved in the campaign, and give the people a

chance for expression, whether they exercise that chance of expression or not.

Mr. DENISON. Will the gentleman yield?

Mr. BOWLING. Yes.

Mr. DENISON. Before the gentleman leaves the floor I would like to have the benefit of his judgment on the question of the election of Members of the House for four years.

Mr. BOWLING. Well, sir, you know that is what I got up here to talk about. [Laughter.] I think I can talk about that freely, considering the situation particularly of myself. I will soon go out of Congress and will not have the opportunity to associate with the finest body of men I have ever had the honor of associating with in all my life. [Applause.]

Mr. McMILLAN. Will the gentleman yield?

Mr. BOWLING. Yes.

Mr. McMILLAN. I think a great deal of the gentleman's opinion, legal and judicial, and as I study this proposition I would like to hear the gentleman give his opinion on the question of the date as it is incorporated in this proposal which will be a part of the organic law.

Mr. BOWLING. Let me first talk about this four-year proposition. Gentleman, I have thought about this a good deal. To me it is a highly important thing; and you talk about courage, this House ought to have the courage to submit that to the people of the United States. They will ratify it, in my opinion, and will be glad to do it. [Applause.] The reason that originally obtained for fixing the term of a Member of Congress at two years no longer exists.

Back in 1787, when this Constitution went into effect, the means of communication were nothing as compared with now, and the idea, as you find it expressed in Madison's papers and contemporary publications, was that they thought it was a good idea to get the opinion of the country quickly upon a given proposition, or, in other words, to get the reaction of the folks back home on some proposed question of legislation or some great policy of the President. But now, with the airplane, and the radio, and the telegraph, and the telephone, and the newspapers, and the magazines, and the good roads, and the automobiles, you can find out what the people of this country are thinking about in 24 hours. So why is it necessary to have a Congress elected every two years in order to find out what the people are thinking about.

Gentlemen, the question of the submission of this amendment could not affect you in your present situation with respect to your election next year. You could not look at it from a selfish standpoint. You should not do so, if I may say it, on that particular basis.

But above and beyond all, a Member of the Congress of the United States should have a period of four years for several real reasons. One of them is it will lift off your shoulders this weight of uncertainty under which every one of you labors every day you are in Congress. [Applause.] It does not apply only to you who come here for the first time, but it applies to the oldest in service who always has his ear to the ground, and perhaps that is the reason why he has been here so long.

Here is the Alabama delegation, my beloved colleagues; not a single one has any opposition to his renomination. The time for filing has closed, and when they came in here March 2 and found they had gotten by without opposition, their faces alight as if a halo surrounded them, because they knew they were safe for two years more. Representatives ought not to be elected for only two years and have the sword of Damocles hanging over them all that time. Give them four years and they will be free for the greater period of time and allowed to act as conscience dictates without having to do so much demagoging back home. They can approach questions from the standpoint of statesmen and consider them in a brighter and finer view without respect to the effect their votes will have on their personal political fortunes. You can reach this, and it is a fine thing and can be done. I thank you. [Applause.]

Mr. LOZIER. Mr. Chairman, I ask unanimous consent to revise and extend the remarks I made a short time ago.

The CHAIRMAN. Without objection, the gentleman will have that privilege.

There was no objection.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman and gentlemen, in my judgment this is a far-reaching matter that the House has under consideration. I am for it in every sense of the word. I revere the Constitution of the United States, the organic law of our land, as much as any other man in this country, but I do not think it is so sacred that it should not be amended occasionally.

When the Constitution was adopted I believe it was right and all the provisions as to election and terms of office of this Republic. But times have changed; we have advanced. Seventeen hundred and eighty-nine is a long time ago. To-day with the great growth of this Republic, with the advent of increased methods of communication, with business methods, commerce, and all these modern inventions, they have made practically a new country. Our Constitution must be kept up with the times.

Why should we wait until the 4th of March for a President to take his office after he has been elected in November? Why should we wait for Members of Congress to take their office 13 months after they have been elected? The people of the United States change administrations for a reason and a purpose. When the same old crowd is in office following the November election, although they may have been repudiated at the polls in November, between the 1st of December and the 4th of March they may pass legislation contrary to the will of the people expressed at the polls in the previous November.

Certainly the people of the United States are entitled to have their officers put into office within a reasonable time after they are elected. As one Member of this House I believe that the large majority in the United States wishes this to be done. I believe it is for the best interests of our country. I believe it is the only instrumentality that we can use to prevent the lame ducks from thwarting the will of the people.

Now, as to our right to have the time extended four years for a Representative, I think that is for the best interests of the country. One-third of the Senators are elected every two years, and why should not a Member of the House be elected for four years? At the time the Constitution was adopted that was a wise provision for a two-year term, because of the fact that legislatures of their respective States selected the Senators, but now the Senators come directly from the people the same as the Representatives in the House. For that reason it is no longer necessary for the reelection of a Member of the House every two years.

Then, too, the President of the United States holds for a period of four years. He is elected to serve for his term, and under this resolution to amend the Constitution, if his administration is all right, at the end of two years he can have a crowd in Congress to stand up for him. If his administration is all wrong, the people of the United States can put a crowd in Congress that will keep him from thwarting the will of the people. In my judgment a Member of the House can do better and more effective work if he is elected for a four-year term.

You take the situation that prevails back in the States. Many of the States of this Union have changed the tenure of all their county and State officers and fixed it at four years. In Mississippi they have arranged it so that our officers, State and county, are elected for four years. It had been at the beginning like that of the Federal Government—two years for each officer. Now that four-year term is deemed to be more satisfactory and better for the State of Mississippi, and it will be better for the Federal Government if the lower House of Congress, the House of Representatives, is elected for a four-year term, and the people of the United States know it, when they elect them, that they are to serve for four years. That will help us, and relieve us of the necessity of looking all the time to see whether or not we can be returned to Congress in the next two years. As it is now, we are in doubt all the time. From one end of the country to the other the people of the United States look to their Representative in Congress to do everything that can be done. Of course, the impossible can not be done. A man is not worthy to be trusted and ought not to be sent here in the first place unless he is a man of integrity and character, and if he is such a man, four years is a short enough term. And if the Representative proves himself worthy, his constituents will see to it that he comes back here as long as he is capable of transacting properly the business of the people who elected him.

Why should Members be unwilling to vote to extend the term of office to four years? Courageous men always have the courage to do the right thing for the country. In my judgment, a four-year term will help us individually, as well as help the country; and a Member who casts his vote that way is casting a vote for the best interests of the Government, for the best interests of the people, and I believe for the best interests of himself. [Laughter and applause.]

Mr. WHITE of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. STOBBS].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. STOBBS. Mr. Chairman and gentlemen of the committee, I have listened with a great deal of interest to the arguments which have been presented on the floor of this House against this proposed resolution, and they seem to boil down in

my mind to three. In the first place, the argument which has been discussed on the floor and among the seats here most frequently is this: Why use a constitutional amendment to change the time of the meeting of Congress when under the present Constitution there is nothing to prevent having, by an act of Congress, a provision by which Congress shall fix the date of meeting each year? Therefore, why put it in the form of a constitutional amendment?

It is perfectly true that under our Constitution there is nothing to prevent Congress from legislating to-day or to-morrow to have the new session of Congress come in on the 4th day of March, but not earlier. But, my friends, if you do that, that does not do away with the so-called lame-duck Congress, because there must be, if the new President comes in on the 4th day of March, 1929, a session of Congress between the date of election in November and the 4th day of March to take care of a situation when a President has not been elected by popular vote. Therefore, although you may say that the new session will come in on the 4th day of March, yet a session must intervene between the November election and the 4th day of March, and therefore you are in the situation where you have one session ending on the 4th day of March, 1929, and a new session commencing on the same day. It is a practical matter; and although it is legally possible, in practice it probably could not work out to the satisfaction of the Members of the House.

Then, the second argument is made here, What is the harm of a lame-duck session? They say there is only a small turnover, something like 10 or 15 or 17 per cent. What harm does it do if a lame-duck session is the body that elects the President in case there is no election by the Electoral College? There may be a small turnover, but that small turnover may be sufficient to change the result in the election of a President of the United States; because in the House the President is elected by States, and one or two more men from each State, if changed, might change the whole result.

But there is more than that to the proposition. If you are going to have a President elected by Congress, he ought to be elected by a Congress that is elected on the same issue with himself, and not one that has been elected on an issue two years before. I do not need to remind my friends on the other side of the House of what happened in 1824, when the election was thrown into the House. In the popular election Jackson had received half as many more votes as John Quincy Adams, and yet Adams was chosen in the election by the House. Jackson had received 153,000 votes and Adams 108,000 votes, and Crawford got something like 40,000 and odd votes in the popular vote.

What happened? Was Andrew Jackson elected President of the United States in that lame-duck Congress? Not at all. He had a plurality of the popular vote and in a Congress made up of Members elected in the same election with him he might have been elected. But what happened? He had 99 votes in the Electoral College, John Quincy Adams had 84, Crawford had something like forty-odd, and Henry Clay had 37, so Clay was out of consideration. What happened? Notwithstanding the fact that Jackson had 99 votes in the Electoral College and John Quincy Adams 84—there were 24 States voting at that time, and each State cast 1 vote—John Quincy Adams was elected President of the United States by 13 votes in that lame-duck session and Jackson only received 7 and Crawford 4. Do you mean to say there would not be any change in the situation with such a small turnover in your lame-duck Congress? Yet there was an illustration right there, when Jackson had 99 votes in the Electoral College and only received 7, while John Quincy Adams, who had a less number of votes in the Electoral College, was elected President of the United States. Of course, John Quincy Adams was from Massachusetts and we from Massachusetts are very proud of the fact that he was elected President of the United States, but I use that as an illustration to combat the argument that is being made on the floor.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. STOBBS. Yes.

Mr. LEAVITT. How many lame-duck Congressmen were in that Congress?

Mr. STOBBS. It is not a question of how many lame-duck Members there were in the Congress. The question is the fact that the Congress which elected John Quincy Adams as President of the United States was not the Congress which had been elected upon the issues upon which Jackson had received a plurality of the popular vote. The Congress which actually elected Adams had been elected two years before, and my point is that the men who ought to vote for the President of the United States, if the election is thrown into the House, should be men who are elected on the same issues with the candidate for the Presidency. The President, if the election is thrown into the House, should not be elected by men who were elected two years before.

Mr. MERRITT. Mr. Chairman, will the gentleman yield?

Mr. STOBBS. Yes.

Mr. MERRITT. What would happen if they had been elected by the next Congress?

Mr. STOBBS. The chances are that the man would have been elected President who had received the greatest number of popular votes. In that instance Jackson had one-half again as many votes as John Quincy Adams. As I say, Jackson had 99 votes in the Electoral College while John Quincy Adams had 84. Of course, you can not tell by figures, but the chances are nine out of ten that the man having the greatest number of votes in the Electoral College would have received the votes of the men in that Congress. Let me answer the gentleman in this way: If Calvin Coolidge had not received a majority of the votes in the Electoral College in 1924 and the election had been thrown into the House, what would have happened? In the Sixty-eighth Congress there were 222 Republicans in the House and 208 Democrats. Of course, I was not here at the time, but I understand there were some men classed as Republicans who did not always vote the straight Republican ticket on all matters, and if the election of Calvin Coolidge had been thrown into the House at that time the chances are he would not have received the votes of those men and would not have been elected President. However, if that question had been left to the Congress which was elected at the same time he was elected, when the House had a much larger Republican majority, having something like 248 Republican Members, the chances are that there would have been no difficulty at all about his election in the House. That answers the gentleman's question I believe.

Mr. TEMPLE. Let me suggest to the gentleman that Mr. Coolidge would not have received the votes of the 248 Members, because each State has but 1 vote.

Mr. STOBBS. That is true, but the fact remains that with just a small turnover Calvin Coolidge might not have received a sufficient number of votes to be elected as President if his election had been thrown into the House.

Mr. TEMPLE. Will the gentleman permit another question?

Mr. STOBBS. Yes.

Mr. TEMPLE. In case an election fails to result in the choice of a President through the Electoral College, it has been a very close election and the Congress elected at the same time would have been elected in the same close election and there would be a great many contested seats. The contested seats might have the balance of power, so instead of having a President elected by a lame-duck Congress we would have him elected by a Congress of unhatched eggs. [Laughter and applause.]

Mr. STOBBS. The answer to that is that under this resolution they would keep voting for President and they would take care of those contested-election cases as rapidly as possible, so as to put them in a position to vote. But at least the principle stands and remains the same, that the Congressmen who vote for the election of a President, if the election is thrown into the House, should be Members of the Congress elected on the same issue with him. The Jackson case stands out preeminently on that one point.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WHITE of Kansas. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. STOBBS. Now, one other point in reference to whether or not we ought to come back at once instead of waiting 13 months. The argument made on the floor is that there is no great difficulty connected with that because you can come back at any time in special session. However, we are interested in creating a condition for taking care of the ordinary situation without being obliged to resort to special sessions. Let me call your attention to this fact to show whether or not under present conditions Congress is immediately responsive to the will of the people. The McKinley tariff bill, if I am right in my history, was passed in 1890. It became an issue before the people in 1892 in the election between Harrison and Cleveland, and that election was won by the Democrats on the so-called iniquities of the McKinley tariff bill. The opponents of Mr. Harrison said it was an iniquitous bill, but that is neither here nor there; but the fact remains that the Democrats won that election on the issue that that was a bad tariff bill. Now, that was in November, 1892, and the people rose up in arms and repudiated that tariff bill. In my own section of New England for the first time in years a majority of the men who came to Congress were Democrats. That was true of Michigan and any number of rock-ribbed Republican States. There was a majority of Democrats greater than had been the case for a great many years. Now, what happened? It was not until February 1, 1894, or

15 months after the people had repudiated that McKinley tariff bill, that the Wilson tariff bill was passed in this House. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. WHITE of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON. Mr. Chairman, before speaking to the resolution I want to say a word of personal appreciation of the splendid service that has been rendered by the gentleman from Kansas [Mr. WHITE] during his nine years of service here. This applies not only to his work as the chairman of the committee which for several years has been deliberating upon this constitutional amendment, but for the good work generally which he has rendered his district, State, and country while he has been our colleague. [Applause.]

Mr. Chairman, I am for this resolution. I believe in the general principles embodied in it, but I am not in accord with some of the statements that have been made here and elsewhere in reference to so-called "lame ducks" and "lame-duck" sessions of Congress. I shall have more to say about this later.

This resolution seeks to amend our fundamental law in several particulars. They can be summarized briefly as follows:

First. It provides that the President, Vice President, and Members of Congress shall take office in the month of January following their election. It thereby does away with the "short" or "hold-over" session of the old Congress.

Second. It further provides that this newly organized Congress will constitute the election machinery for the electing of a President and Vice President in the event of the failure of any one candidate to receive a majority vote in the Electoral College. Under the present provisions of the Constitution, this duty devolves upon the old Congress.

Third. Further provisions are made with the idea of meeting certain possible contingencies that may arise in reference to the election of President and Vice President and the clearing up of certain ambiguous provisions in the Constitution relating thereto.

In passing upon any change in our fundamental law we must always bear in mind the very substantial difference between our form of government and that of a great many other countries where the representative system prevails. Furthermore, one should always approach the question of a change in our Constitution carefully and with the utmost deliberation. This should especially be the case where the proposed change involves a departure from a fundamental constitutional principle. In this particular instance the substance of the proposed amendment has been debated pro and con in the press over a period of several years. And it does not involve any change in a fundamental constitutional principle. In fact, it is a proposal to change the mechanics or procedure.

Mr. Chairman, I am a firm believer in popular government. I believe that the best form of popular government is through a representative republic such as we have. I want to see that form of government preserved. In a representative form of government the only direct opportunity that the people have to express their will as to questions of governmental policy is through the election of representatives following a campaign in which important public questions are debated pro and con. After such a campaign it is my idea of popular government that the wishes of the majority, subject to constitutional limitations, should then be reflected in legislation and administration just as soon as it is reasonably or practically possible.

Generally speaking, that is not the case in our country today. Here is the situation: We will elect a President, Vice President, and Members of Congress in November of 1928. The President and Vice President would not take their office until March 4, 1929. Unless the new President thereupon called Congress in extra session, the new Congress would not convene until the first Monday in December following, which would be 13 months after its election by the people. In the meantime the old Congress would convene and remain in session until March 4. During that time, generally speaking, they would pass the appropriation bills and legislate generally. Unless something unusual should arise, the new President, the appropriation bills having been passed by the old Congress, would not convene Congress until the Constitution required him to do so. I think it would be much better if the new Congress and the new President should assume their duties earlier. This applies especially to the new Congress. I think that if Lincoln and the new Congress had assumed their duties, say, in January instead of some weeks later, the Civil War might have been averted. If not averted, the task of President Lincoln and the Congress in preserving the Union would have been substantially easier.

I realize that Congress can now provide by law for the convening of the new Congress at any time after noon of March 4. However, that means a session well on into the summer. Anyone who has spent a summer here, as some of us have, know full well that that should be avoided wherever it is possible.

There are those here who feel that it would be better to have the new Congress wait 13 months before commencing to legislate. They want a "cooling-off time." I do not think that we need any "cooling-off time" in this country. In the long run I believe we will get better results by having the people's Representatives meet fairly soon after their election, so as to then carry out the governmental policies prevailing at the election. Possibly sometime there will be legislation enacted that will be unwise. However, generally speaking, responsibility of enacting legislation makes for conservatism. But even if a mistake is made, the people will then realize more and more their own responsibility in electing Representatives. They will exercise greater care the next time. The way it is to-day, a candidate can promise almost anything that appears attractive, knowing that 13 months will almost certainly elapse before he will be in a position where he will be expected to carry out that promise. By that time he knows that there is a fair chance of the promise being forgotten. I firmly believe that the calling of Congress earlier will be the means of instilling a greater sense of responsibility in our citizenship in the selection of their Representatives. To my mind this is the principal argument that can be made in favor of this feature of the resolution.

Mr. Chairman, I now want to return to the claim that has been made about the evils that have come upon the country in a legislative way by the hold-over or short-term Congress, which some have described as the lame-duck Congress. I want this body and the legislation which it enacts to be truly representative and responsive to the will of the people.

But in order to get this resolution adopted there is no occasion whatever to misrepresent the work in times past of the short-term or hold-over Congress. I am serving my fifth term in this House. During this period I do not recall a single instance of the passage of legislation by a short-term or hold-over Congress which was not in the best interests of the country, and I challenge any one of these gentlemen to cite an instance during that period of time where the country has been harmed by legislation passed at the instance of a short-term or hold-over Congress.

Mr. Chairman, on the contrary I can recall that some of the best legislation that has passed Congress during this period has passed during the hold-over session. It was initiated in the long session and completed in the short session. We have all observed evidence of increased independence in the hold-over session. Furthermore, many of the Members who retire do so voluntarily. They are in no sense "lame ducks," yet one would think from the press and magazine accounts from time to time that a short session of Congress was dominated by men who had been defeated at the polls, and who, having been defeated, were striving to get even by enacting legislation that could not otherwise be passed. Again let me say that I do not recall a single instance in my term of service here where that situation has prevailed. So let us have an end to this "lame-duck" argument and pass this resolution on its merits.

Mr. CARSS. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. CARSS. And has it not been the gentleman's experience that many of these men who were defeated acted more independently and voted their own convictions to a greater extent than ever before?

Mr. NEWTON. There can be no question about it. Take appropriations, for example. There is little time to consider them in a short session. In considering them the wisdom and experience of the older men has been invaluable.

Mr. Chairman, I yield to no man in my respect and devotion to the fathers who framed our Constitution. It has been intimated if not said here that they planned on having a long time intervene between the election and the convening of the new Congress. That I deny. On the contrary, I think it can be said without fear of successful contradiction that they intended that the President and the Members of Congress should take office within a reasonable time following the election. In fact, I think it has been said upon the floor either to-day or on some previous occasion that this was the thought. The Constitution says nothing about when the President's term shall commence or when the terms of Members of Congress shall commence following their election. It does say that the term of the President shall be four years. It does say that the term of a Member of the House of Representatives shall be two years, and that Congress shall convene on the first Monday in Decem-

ber unless Congress shall by law provide otherwise. In setting the time in December they undoubtedly had in mind something of the difficulties that would ensue in having the Constitution adopted by the several States, the length of time involved, and also the length of time involved after adoption in getting the new Government under way.

When the Constitution was adopted and ratified we were being governed under the Articles of Confederation. The Congress of the Confederation was in session in New York City at or about the time when the last State necessary to ratification ratified. This Congress thereupon passed a resolution providing that the selection of presidential electors by the several States should occur on the first Wednesday in January, 1789, and that the electors should cast their votes for President on the first Wednesday in February, and that the President thus elected should be inaugurated on the first Wednesday in March. In other words it was a congressional act by the expiring Congress under the Articles of Confederation. I suppose some would say it was a lame-duck Congress and a lame-duck government that provided the machinery for this present great Government of ours. This first Wednesday of March happened to be the 4th day of March.

Mr. Chairman, there were no railways, telegraphs, radios, telephones, and so forth, at that time. History tells us that General Washington did not receive official notice of his election in time to arrive at the seat of government on March 4. In fact, it was impossible to inaugurate him until April 30. Members of Congress had great difficulty in getting there before that time. Congress then provided by law that the President's term should commence on March 4. This was likewise true as to the terms of Members of Congress. Therefore the first term of the President of the United States and the first term of the Members of the House were fixed by law at less than the constitutional requirement of four years and two years, respectively. No one questioned it at the time, and, of course, it is of no special consequence to-day. I mention it to show there was no thought of a long cooling-off time.

Mr. COLTON. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. COLTON. Does the gentleman believe that two months is enough time for the incoming President to get his Cabinet appointed and get acquainted with the Budget system and make the necessary recommendations to the Congress?

Mr. NEWTON. Oh, yes; I think so. I think that is ample time within which to make the selection of the Cabinet, and so far as the Budget is concerned, in a great and vast government such as ours there must be a continuance in office of the subordinate Budget officers, who will necessarily commence work upon the Budget even long before the election. This preliminary work must be done.

Mr. TEMPLE. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. TEMPLE. Would not the Budget be prepared and sent to Congress at its opening on the 4th of January?

Mr. NEWTON. I presume it would.

Mr. TEMPLE. And in that case the Budget would be prepared by a "lame-duck" President.

Mr. NEWTON. It would. The gentleman is correct, unless Congress determined otherwise; and, as a matter of fact, if Congress did determine otherwise and had the Budget postponed until after the new President had gone into office—and I can see where they might well do that—the new President would in large measure have to depend upon these subordinate officers in the preparation of his Budget.

Mr. MADDEN and Mr. DENISON rose.

Mr. MADDEN. Not only that, but it would take five months to do it and otherwise you would be sitting around waiting for him to get that work done.

Mr. NEWTON. That is true.

Mr. DENISON. The gentleman is aware that the Budget is not a matter of political controversy and ought not to be.

Mr. NEWTON. No. There are certain major propositions in the Budget that might become a question of controversy, but, generally speaking, the items in the Budget, as the gentleman from Illinois suggests, are not a matter of political controversy.

Mr. MONTAGUE. Will the gentleman yield?

Mr. NEWTON. I will.

Mr. MONTAGUE. The gentleman knows that some Presidents have been elected who were not trained in the Federal service. There are several notable instances. Instances where they have been elected without any experience in the Federal service. Take that case, does the gentleman think that from November until the 4th of March is an adequate time for the President to make proper preparation for the discharge of his duties? Does the gentleman think it is too much time?

Mr. DENISON. I do not think it is too much time, but at the same time I do not think a difference of five weeks is going to make any great amount of difference in a practical way.

Mr. MONTAGUE. In bringing it back from March until January?

Mr. NEWTON. I think, generally speaking, that a majority of the Cabinet officers are selected before January 1.

Mr. MONTAGUE. For the President to select his Cabinet officers, prepare his message, formulate his policies, familiarize himself with the operations of the Government, especially the Budget system—how can he do it in less time than from November to the 4th of March?

Mr. NEWTON. If he is the kind of man that ought to be nominated for President by either one of the great political parties, he ought to have some well defined governmental ideas at the time of his nomination, and if he has not he will certainly formulate them in the course of the campaign. I do not think the question of less time would be a material one.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. NEWTON. I yield to the gentleman.

Mr. MOORE of Virginia. The gentleman has an admirable argument against this resolution, it seems to me. So far as Congress is concerned he has eliminated the lame-duck theory, but does he think there is such a material difference between two months from November to January and from November to the 4th of March, when it is now possible to bring the new Congress in, as to justify a constitutional amendment?

Mr. NEWTON. Yes; I do. The old Congress by the Constitution must convene on the first Monday of December unless Congress by law otherwise provides. We have authority to-day to provide for the new Congress to convene on March 4 at noon. It seems to me there is no occasion whatever for the old Congress to be in existence with the new Congress having been elected. When that is permitted you do violence to the principle of keeping a representative government truly representative. Neither do you cultivate and develop on the part of the people a feeling of responsibility in the work of their chosen Representatives.

Mr. MOORE of Virginia. Does the gentleman favor the termination of the final session of the preceding Congress at a certain date?

Mr. NEWTON. The gentleman refers to the May 4 date?

Mr. MOORE of Virginia. Yes. I want to know in what way you are going to provide for the old Congress terminating prior to a date in January?

Mr. NEWTON. I do not know that I understand the gentleman.

Mr. MOORE of Virginia. The Norris resolution does not say anything about that.

Mr. NEWTON. I am not familiar with the terms of the Norris resolution. I am talking about the White resolution. I do not favor the May 4 limitation. I do not believe such a detail should be written in our Constitution. It should be amended so as to read, say, May 4 unless Congress shall by law provide otherwise.

Mr. MOORE of Virginia. If we are going to amend the Constitution, does not the gentleman think that it might be well to consider the expediency of vesting discretion in Congress that will enable it to deal with the whole subject instead of rigidly tying Congress to this, that, and the other date?

Mr. NEWTON. I presume that this suggestion by the gentleman would apply more to certain other features of the resolution that is pending before us.

Mr. Chairman, before I conclude I want to briefly discuss the second and third propositions. Again with the idea of carrying out the will of the people as expressed in the election as promptly and as certainly as possible, I think that the incoming Congress, rather than the hold-over Congress, should elect the President and Vice President whenever none of the candidates received a majority vote in the electoral college. I do not think that the country has suffered as a result of the election by Congress of President and Vice President on the two different occasions when Congress has been called upon to act. Certainly its action in electing Jefferson over Burr was a wise one. The country did not suffer when Congress elected John Quincy Adams. So far as I can recall, these are the only two instances in which Congress has been called upon to elect a President and Vice President. But I do feel that the machinery for carrying into effect the will of the majority should be kept at all times representative, with the idea of preserving to its fullest extent the theory of representative government.

As to the third proposition: In the drafting of the Constitution certain contingencies in reference to the President and Vice President were not foreseen and provided for. There were certain ambiguities in other provisions. The committee has

sought to provide for these contingencies and to clear up some of the ambiguities. In my judgment, these contingencies should be provided for and the ambiguities should be eliminated. That constitutes an added reason why, in my judgment, this resolution when perfected as I have suggested, should be passed.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. SUMNERS].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen of the committee, it is not my purpose this afternoon to undertake a discussion of all the sections of this resolution. I want to direct the attention of the House particularly to what is proposed in section 2 in order that you may fully consider between this and the time when we come to the further consideration of the resolution.

The Constitution now provides that Congress shall assemble at least once in every year, and that meeting shall be on the first Monday of December, unless by law they shall appoint a different date. The effect of that provision is to give Congress by its own enactment a determination as to when it shall convene and when it shall adjourn. That is a constitutional right now. The first article of the first section of the Constitution puts the legislative power and responsibility in the Congress. When this committee first prepared its resolution it did not undertake to limit the power of Congress over that subject, but as this resolution is now presented to the House it takes away the unlimited power of Congress to exercise control over its own meetings and the length of time in which it is to sit for the discharge of its responsibliity. The second session is to terminate by constitutional limitation on May 4. I submit to the gentlemen who are responsible for that proposed change, in view of the fact that they are suggesting in this proposed constitutional amendment a limit upon the discretion of Congress, putting it more in a strait-jacket—I submit, under those circumstances, that the duty rests upon those gentlemen to explain why that ought to be done.

I hope when we convene for the further consideration of this resolution that gentlemen will present the reasons which have been responsible for that proposed curtailment of the power of Congress over its sessions, in order that we may fairly consider the matter.

Mr. SNELL. Mr. Chairman, will the gentleman yield there for a question?

Mr. SUMNERS of Texas. Yes.

Mr. SNELL. Does the gentleman believe that there is anything in this proposed amendment that Congress has not the power to do now?

Mr. SUMNERS of Texas. Yes; there are some things.

Mr. SNELL. I mean with reference to the time of meeting and the length of sessions?

Mr. SUMNERS of Texas. Congress has unlimited power now to fix the time when it shall convene, and to fix as many sessions as it wants, and to fix the time it shall adjourn. But when you submit this constitutional amendment and the States ratify it, Congress must adjourn on the 4th of May, and if its work is unfinished Congress then will be dependent on the Executive will and discretion as to whether it shall meet again and discharge its constitutional responsibilities. I never will vote for it. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JEFFERS. I yield to the gentleman one minute more.

Mr. SUMNERS of Texas. I never will vote, gentlemen of this House, to give to the executive or any other branch of the Government any such power of control over the legislative branch of the Government. [Applause.] Gentlemen proposing that sort of thing ought to give us their reasons.

Mr. LUCE. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. LUCE. Does not the Constitution itself by restricting the life of the Congress impose a restriction upon Congress?

Mr. SUMNERS of Texas. Oh, yes; one Congress can not go on forever through all eternity; it must quit at the expiration of the commission that the people have given it.

Mr. LUCE. I understood the gentleman to say there is no restriction in the Constitution.

Mr. SUMNERS of Texas. I thought the gentleman would do me the credit to understand that I meant within constitutional limitations upon the life of a Congress. [Applause.]

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Chairman and gentlemen, one can not in five minutes give his reasons for opposing legislation of this character. He can only state that he is against it and is going to vote against it.

But I do want to say a word on the floor against the amendment that is proposed by our friend from Alabama [Mr. BANKHEAD] to extend the term of office of Representatives to four years. The greatest safeguard for proper service that the people of the United States have is the fact that we have to go back to them every two years and render an account of our stewardship. That is their greatest safeguard for good service. No one will deny that this of the two bodies is the more representative of the people. Why? It is because we are closer to the people. It is because we have to go back to them every two years and get another commission from them. And I want to say to the people of the United States that if they know what they are about they will not permit their legislatures to approve of an amendment to the Constitution that will extend the office of a Representative of the lower House beyond two years. [Applause.]

Mr. TILSON. Will the gentleman yield?

Mr. BLANTON. Yes; certainly, to the majority leader.

Mr. TILSON. Does not the gentleman expect to render just as good service to the people after he obtains from his people a six-year commission in the Senate? Does he think that will make him any less worthy or less likely to render efficient service?

Mr. BLANTON. I doubt it. A man becomes a little careless with a long term in office, sometimes a little careless. Now, I could mention, if I wanted to be unkind to some of my colleagues who are absent—I could name three of them who have been here three times since they were sworn in at this session. They come from districts where all they have to do is to please the bosses and please the machine. They are not responsive to the voters, because the machine furnishes the votes, and they are a little careless about their service here, and they are a little careless about attending to the people's business here. Oh, you colleagues of mine know just as well as I do that we are close to the people and representative of the people simply because we have to go back to them every two years. I would hate to see the day come when that provision of our law is changed. I am here to tell the people of the United States—and I am serving my eleventh year here—that if they want the best service from their Representatives make them come back every two years and render an accounting. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JEFFERS. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman and gentlemen of the committee, in the Federalist, 53, you find this very significant remark:

> Where annual elections end then tyranny begins.

In Story on the Constitution, section 588, fifth edition, from which this significant passage has been quoted, you find a very interesting discussion as to why the fathers determined upon biennial sessions and a tenure of office for Members of the Lower House of two years. They very wisely, after a considerable amount of deliberation, fixed a two-year term because they felt that as the term of the President was four years and the term of the Senate six years, there should be closer proximity to the people as far as the House was concerned. There should be a turnover every two years, so as to insure greater responsibility on the part of Members of the Lower House to the people that elected them.

In the letter signed "Publius" by Hamilton February 8, 1788, No. 52, Federalist, he said:

> That biennial elections will be as useful to the affairs of the public as * * * they will be safe to the liberty of the people.

Hamilton also pointed out that the distance that many Representatives would be obliged to travel must be considered a serious reason for insistence upon a two-year term. There was much public clamor against the two-year term. The desire was for one-year terms. Travel since Hamilton's day has changed considerably. Space has become shortened by improved methods of transportation, and soon the airplane will bring California Members to Washington within one day.

Thus if distance was then an argument for longer tenure of office, the shortening of distance to-day is an argument against increasing the tenure beyond two years. The gentleman from Mississippi [Mr. QUIN] has just spoken in favor of the proposed amendment of the gentleman from Alabama [Mr. BANKHEAD]. I quite agree with Mr. QUIN's very last remark. He said:

A Member who casts his vote that way is casting a vote for the best interests of the Government, for the best interests of the people, and I believe for the best interests of himself.

Most assuredly such an amendment would be for the best interests only of ourselves.

Blackstone in his Commentaries said (v. 1, p. 189) that—

A legislative assembly which is sure to be separated again would be bound to feel its own interests as well as its duties bound up with those of the community at large.

Story on the Constitution (sec. 588, 5th ed.) says that—

Frequent elections are unquestionably the soundest, if not the sole, policy by which dependence upon the people, sympathy with the people, and responsibility to the people that elected them can be effectually secured from the people's representatives.

Then Story, citing Hamilton, further says (sec. 587):

It may, therefore, be safely laid down as a fundamental axiom of republican governments that there must be a dependence on and responsibility to the people on the part of the representative which shall constantly exert an influence upon his acts and opinions and produce a sympathy between him and his constituents.

A Representative further removed from his people than two years will to that extent become less dependent upon them and less subject to their influence.

The sympathy and responsibility, I submit, will be woefully lacking if you extend the term of office of a Member of this House from two to four years. I for one shall vote against any such amendment, because the two-year term brings me close to my constituents. I am willing to consult them frequently; I am willing to follow their advice constantly, and if I am further removed from them than by two years that situation will not prevail.

It is, indeed, unfortunate that discussion has turned upon the proposal of the four-year tenure. Although such an amendment might be germane, it nevertheless in all honesty has no place in the constitutional amendments before us called lame-duck amendment. In fact, the proposed Bankhead amendment, if pressed, will lame the lame-duck amendment.

Now, gentlemen, we hear much about a lame duck. What is a lame duck? I have thought that a lame duck is that kind of a wild bird which is brought down by the hunter. Usually that wild bird, thus brought down, is lame, and its very lameness tames it. So we have political lame ducks who have been brought down by the buckshots or votes of their constituents. They, too, become lame, and their very lameness tames them.

They are very tractable, very docile, and usually, under a promise of a job, will vote any way demanded of them. Despite their defeat in the even-numbered year, in November they continue to serve until the March 4 of the odd-numbered year—the short session. In a speech I made on the subject, March 3, 1927, I said:

Although not wanted by their constituents, a hackneyed and worn-out provision of our Constitution forces those same constituents to be represented by men that they have unseated. Usually little service is rendered by these "lame ducks," or rather "sore ducks"; more often it is disservice. Surely, their head is not in their work. They are disgruntled and dissatisfied, and their tempers are usually bad. The remedy for this wretched system is the adoption by Congress and the States of the so-called Norris amendment to the Constitution, which reads:

"SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives on the 4th day of January in the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall be on the 4th day of January, unless they shall by law appoint another day."

Let us have no more of these defeated Congressmen serving in the months of December, January, February, and part of March after their defeat.

Furthermore, under the present system a man newly elected to Congress must cool his heels 13 months before he may serve.

The gentleman from Connecticut, my esteemed friend Mr. MERRITT, said there can be no serious and lasting difficulty resulting from the present condition of affairs; but I pointed out to him that on three momentous occasions Presidents were elected as the result of the votes of "lame ducks," when the elections of Jefferson and Burr, Adams and Jefferson, and Tilden and Hayes were thrown into the House. One of the speakers this afternoon went into more details with reference to those elections, and I shall not say more thereupon. If there were nothing else, however, my good friends, the mere fact that "lame ducks," defeated candidates, can come back into this Chamber and participate in the election of a President, that would carry great weight with me in deciding to cast my vote in favor of this Norris amendment.

Unfortunately, there is a provision in the amendment, submitted by the committee to the so-called Norris resolution, which to my mind is regrettable, and that is the provision which provides that in even-numbered years the sessions of the House shall terminate on May 4.

The Norris amendment as it came over from the Senate did not provide any limitation as to the termination of the sessions. Within the tenure of the two years Congress has a right to begin or end its sessions whenever it wishes to. The Norris amendment does not interfere with that right. Your committee, however, on the Election of the President and Vice President in bringing S. J. Res. 47, the Norris amendment, to this House provides that in the even-numbered year—now the year of the short session ending March 4—the session shall not continue after noon on the 4th of May. In other words, we shall still have a short session. It will extend to May 4 instead of March 4.

The very reason that actuated the Members in the other Chamber in bringing about this Norris amendment to the Constitution was to do away with the obnoxious filibuster. But what do you do by this May 4 amendment? I say to the members of the committee that you still continue the filibuster. You had presented to you the handle of a sword that would cut out the filibuster, but you have failed to grasp it. I have as yet to hear a proper explanation as to why you have put the May 4 provision in the resolution. There is no reason why you should fix the limitation as of May 4. Why can you not leave that out and disregard it entirely as the Senate did? They set no limitation, and, you know, if you leave it at May 4 and there are men who are "filibuster minded," as it were, when that day approaches they are going to train their guns so as to conduct a filibuster and talk against time. But if you have the right to change the date from time to time and the session draws near to the day agreed for closing and a filibuster is brewing, then you can agree to postpone for a week or two weeks or indefinitely the closing time, and thus frustrate the plans of those who would filibuster.

Under the committee amendment you are blocked. You can not agree to adjourn beyond May 4. That becomes the constitutional limitation of time for adjournment, just as now that limitation is March 4. Filibusters always occur just before March 4 of the even years. Under the proposal they will occur just prior to May 4. There is really no difference. If we are going to do a job, let us do the job right.

Mr. TILSON. Will the gentleman yield?

Mr. CELLER. I yield.

Mr. TILSON. Does the gentleman undertake to say that we are limited now as to the time of meeting and adjournment? Did not the gentleman hear the gentleman from Texas when he explained thoroughly how we now have absolute power under the Constitution to meet any day within the two years?

Mr. CELLER. Yes; but because the term of office comes to an end on March 4 of the even year, you can not go beyond that by constitutional limitation.

Mr. TILSON. Of course, we can not go beyond the period for which we are elected, but we can fix any date within that period of time under the Constitution now.

Mr. CELLER. Yes; adjourn any time up to March 4, but you can not now even turn back the hands of the clock after noon March 4, as was often tried.

Mr. TILSON. Certainly not after our term of office or our commission has expired.

Mr. CELLER. I say that should not occur; in other words, you can take away the May 4 limitation and you will do away with the obnoxious filibuster. There should be no short session either to March 4 or May 4. Both sessions should be indefinite, as the long session is now. That is not provided in this resolution and for that reason I hope an amendment will be offered to strike out that date.

Mr. LOWREY. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. LOWREY. I think I agree with the gentleman about removing this limitation of May 4, but that has been mentioned several times and I believe it ought to be said that this does give at least two more months than we have now for the short term, and there is that much advantage over the present situation.

Mr. CELLER. Oh, yes; indeed. There is the advantage of that small period of time over the present condition, but I say when you have at hand the means of going further, why not take advantage of such means.

Mr. LOWREY. Why not set the time for opening further back and give us longer than three months for the short session? Congress has the right to do that.

Mr. CELLER. Congress is authorized to do that, except that the sessions can not begin prior to December 1.

In my aforesaid remarks, which appeared in the RECORD as of March 3, 1927, I included a careful research of parliamentary practice of 14 leading countries concerning the length of time that elapses between the election of legislators and the meeting of legislatures. In no country other than ours does 13 months elapse between election and convocation of parliament. The practice in Great Britain, Canada, Australia, and New Zealand has been to make the interval between elections and the summoning of parliaments as short as possible. In France the Chamber of Deputies meets 10 days after election. In Norway the election is in November and the meeting in January. In Sweden the election occurs in September and the lower house convenes in January.

In Germany the Reichstag assembles not later than 30 days after the election. This lapse of 30 days appears in almost all constitutions in the republics of Europe created out of the World War. In Italy the King is authorized to prorogue the sessions and to dissolve the Chamber of Deputies any time he sees fit. In the event of a dissolution, however, the King must order new elections and convoke a new meeting within the space of four months. In Austria the Nationalrat must be summoned by the President to meet within 30 days after election. In Hungary the new Diet must meet six weeks after it has been elected. In Brazil the Chamber of Deputies assembles May 3 (unless a sooner day is designated by law) following election, which occurs on the first Sunday in February. In Argentina the House of Deputies meets in regular session from May 1 to September 30. The election occurs on the first Sunday in March of even-numbered years. I am in hearty accord with the amendments to the pending bill which will be offered by the gentleman from Tennessee [Mr. GARRETT]. One provides for the limitation of seven years within which the States may ratify. Up to the time of the case of Dillon *v.* Gloss, decided in the Supreme Court May 16, 1921 (256 U. S. 368), there was uncertainty as to the time within which an amendment had to be ratified.

The power to amend the Constitution is found in Article V thereof. This article says nothing about the time within which ratification may be had—neither that it shall be unlimited nor that it shall be fixed by Congress. It would be absurd to say that the time might be considered accumulative; that is, one State could ratify within 1 year, another State 5 years, still another State 15 years, and then have the amendment lie dormant for a longer period and then have it picked up for ratification by a number of States until the three-fourths of the States had acted favorably. The Supreme Court in the aforesaid case said that it is not a fair construction to hold that an amendment, once proposed, is to be open to ratification for all time or that ratification in some of the States may be separated from that in others by many years and yet be effective. The court held that the proposal by Congress and ratification by the States must be treated as related acts and as succeeding steps in a single endeavor. They can not be separated widely in time. Both must be considered "presently." Furthermore, since ratification is the expression of the approval of the people in the States, that approval must be reasonably contemporaneous in the ratifying States in order to be effective. Ratification scattered through a long series of years would not be the reflection of the will of the people in all sections at relatively the same period. Therefore ratification must be had by the States within some reasonable time after the proposal. The court then held that the seven-year limitation for ratification tacked on to the eighteenth amendment was a reasonable exercise of congressional power.

It is interesting to note that prior to the eighteenth amendment 17 amendments were ratified—some within a single year after their proposal, and all within four years.

The other Garrett amendment to be offered provides that no State can ratify unless one branch of its legislature shall have been elected subsequent to the submission of the amendment. If adopted, this would mean that the constitutional amendment would become an issue in the campaign in the election of the membership of one branch of the State legislatures. Thus the people would have an opportunity to elect those for or against the amendment. The ratification or the rejection of the amendment would, to that extent, reflect the will of the voters.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WHITE of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I think that the committee should know that of the time allowed for general debate about one hour and three-quarters remain. The intention is, after a very few moments more, to continue the discussion on Thursday. My purpose in rising at this time is merely to call to the attention of the Members certain features of the resolution to which I have been giving special attention over a period of five years.

As a member of the committee I have listened to witness after witness in favor of the resolution and I am very glad to find to-day that the general proposition, at least, is presumably indorsed by nearly all the Members of this House. If such is not the case I am sure that those who are opposed to the resolution would have spoken, or at least have asked for time to speak against it.

The one thing which gives me particular concern is as to what amendments may be offered when the time for such action comes. From what I have been able to learn the one which seems to have created the most interest is to seek "to change the length of our term of office." This is a surprise to me. I hope that the parliamentarians of this body will give most earnest consideration to the question whether or not such an amendment would be germane. It seems to me that the proposal that every time a possible amendment to one part of the Constitution is offered the whole Constitution can be laid open for alteration is a most dangerous one.

If we can, under the cloak of this present resolution, vote to extend the term from two to four years we can as easily attempt to decree that the presidential term shall be not four but six years and place a ban on a second term, as many, perhaps, would like to do. If such a proposition is possible, several phases of the Constitution might be regarded as open to alteration under each proposed amendment.

But to revert to the present amendment. It is one which I believe should have been adopted half a century ago. We have had it repeatedly pointed out to us that if either Calvin Coolidge, John W. Davis, or Robert M. La Follette had died after action of the Electoral College, three and a half years ago, there would, under the Constitution, have been no candidates prescribed from among which a selection could have been made, as representative of his party. Such a contingency is possible; it might occur this next year, and the resulting situation would be a very serious one. Too often no effort is made to correct things of this nature until we are actually face to face with the situation. The present line of succession in office was not provided for by congressional legislation until the Vice President died after the election of Grover Cleveland.

Then there is the question as to the so-called "lame-duck" Members, and it has given rise to a difference of opinion as to the necessity of a change. Personally I had hoped this phrase would not be injected into this discussion, but that was too much to expect. The condition is an anomalous one, but I do not think that we should get into a discussion as to whether or not a man who has been beaten for reelection would do his duty after his defeat.

However, it should not be possible for a Congress made up in part of men who have been defeated at the polls to elect the President of the United States, as might be the case were a choice to be thrown into the House, and the only way to prevent such a possibility—if it is to be prevented—is by a constitutional amendment.

Congress could, of course, legislate to have the new Congress meet after March 4, but none of us believe that the session should continue during the summer months. Indeed, we should like to begin in December if that were possible. Three things provided for in this resolution are extremely important and should have been provided for long ago. To me it is remarkable that we have escaped being forced to do it so long and that Congress after Congress has done nothing about it, knowing the need.

If the President elect, Vice President elect—either or both—should die before their inauguration, the executive branch of the Government would be utterly unable to function and, in consequence, the legislative branch would be practically forced to suspend. Because that never has happened should not prevent us from taking the steps necessary to prevent its happening sometime. On the other hand, it seems to me that we should not take advantage of this desirable amendment to do something for our own particular benefit, namely, increase the term to four years. I feel that between now and Thursday we should think this suggested amendment over most seriously, and if it is to be offered, to consider whether it would not be better to follow the method used in proposing the first 10 amendments to the Constitution and divide these two propositions before presenting them to the legislatures of the several States for ratification or rejection. This could be and should be done. If such

an amendment is offered and ruled in order, others not at all contemplated in this article may be. The possibility of trying to use this resolution as a vehicle to carry other extraneous proposals seems to me a very serious matter. As I have stated, it has already been suggested that we could make the term of the President six years, a proposition which has become a matter of great interest to many people.

Mr. SNELL. Will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. SNELL. The gentleman said that he was not for the lame-duck proposition?

Mr. GIFFORD. Not at all. I said that the words "lame duck" were an unfortunate designation for the amendment, and that I did not approve of their use.

Mr. SNELL. Is not it a fact that the lame-duck proposition has been the basis of propaganda put out in the country for the last few years that has forced this constitutional amendment on the floor of the House?

Mr. GIFFORD. I recognize that that is the original reason for the amendment. I would say that personally I was prejudiced against further amending the Constitution when I was first placed on the committee. I would now vote to repeal the sixteenth amendment, and it seems that the results achieved by the seventeenth and eighteenth are of uncertain value.

The nineteenth I approved. With these in mind I felt that it would be a long time before I would care to vote for an additional amendment. But on studying the present proposition I could not allow my prejudices against any former amendments to influence me, since this one has simply to do with the "election machinery" of the Constitution.

I trust that Mr. WHITE, the chairman of the committee, will, after all his years of effort, have the pleasure of seeing this amendment enacted by this present Congress. I would say to the chairman of the Committee on Rules [Mr. SNELL] that although the "lame-duck" part of the proposal did not appeal to me very strongly, study of the subject led me to devote much time to examining the Constitution, and I have found these other things the correction of which seems to me to be extremely important and which I regard as our strict duty. Does that answer the gentleman's question?

Mr. SNELL. I think it does. But what I referred to is what I think the newspapers have been talking most about, that one thing above all others; and I agree with the gentleman that these other matters are important but are very seldom mentioned. But the thing that forced it through the other body was the question of the lame-duck Congresses, and as to that I think there is more bunk in that statement than in anything else that has been said in connection with this constitutional amendment.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GIFFORD. I yield to myself three minutes more.

I indorse the whole amendment. I do not think that any man should have to wait for 13 months after his election before taking his seat. If I were obliged to wait that length of time before entering upon the duties for which I had been elected I should want to absent myself from my constituents to keep from hearing the repeated question, "Why are not you on your job in Washington?"

As it now works out in actual practice, for four months there may be two Congressmen from a district, each with the franking privilege and each endeavoring to look out for the interests of that constituency. Still I regret that this "lame-duck" phrase should be brought forward, as I think that no one should suggest that any of us would be unwilling to do his full duty after some one else has been elected to take his place.

Congress has always ended by limitation on the 4th of March. In the short session we have heretofore had practically but two and a half months for work. Under this proposal the short session would be extended to four months—that is, from January 4 to May 4—and it is desirable that there be a fixed date for the adjournment of a Congress. However, it would be the same Congress and could, if necessary, be called together again the very next day. Now you have to call a new Congress.

It takes time to organize and is an altogether different proposition. Under the new arrangement if we had not completed our work on May 4, the same Congress could be convened immediately after adjournment and no time would be wasted. However, this time limit does not effect the whole proposition and may be altered if it is thought desirable.

Mr. TILSON. Would it not be a fact that the same Congress could be immediately reconvened without the expense of mileage or anything else if it became necessary to go beyond May 4? The same committees and the same Members could be called in without any additional expense whatever?

Mr. GIFFORD. Yes. I regret that the report seemed to indicate some political significance in this limitation. Of course, there is no limitation on the life of the first session, but I believe that there should be a time limit set on the second. We can never fully prevent filibustering, and I am as opposed as anyone else to the sort of filibuster which I have had to witness at the close of the last two sessions of Congress.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. COCHRAN].

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. COCHRAN of Missouri. Mr. Chairman and Members of the House, the original Norris resolution sought to correct two existing evils: First, to give the people of the country an opportunity to be heard on national issues, through their chosen representatives, within 2 months after date of election, and not 13 months; second, to discontinue the short session of Congress, thus preventing filibusters.

What do we find to-day? We are confronted with an amendment to the Norris resolution which, while it corrects one evil, the first, makes it possible to stage a well-organized filibuster in the Senate.

In my humble opinion one is equally as important as the other and I propose to support an amendment which will be offered to strike out the language limiting the second or final session of the Congress. If this amendment does not prevail in committee, I will support a motion to recommit the bill with instructions to the Committee on Elections to strike out this objectionable feature.

Look at the situation at the present time. Legislation of great importance can not be considered because it authorizes appropriations. And why does this situation exist? For no other reason but a filibuster in the Senate during the closing days of the Sixty-ninth Congress prevented the passage of the deficiency bill, the public building bill, and other important legislation. Had these measures passed the Senate in the Sixty-ninth Congress, and as we all know, they have passed during the present session, the money appropriated would have been taken out of the revenue at that time and not be charged against the revenue for the present fiscal year.

The enormous surplus in round figures, $600,000,000, applied to the public debt July 1, 1927, was due in part to the failure of important legislation in the Sixty-ninth Congress.

Several hundreds of millions of dollars used during the present fiscal year to carry out the purposes of legislation that should have been passed in the first six months of 1927 seems to prevent tax reduction, and the consideration of legislation equally important. It is to prevent a recurrence of such a situation that I propose to vote against limiting the final session of a Congress.

It is beyond me to conceive why the time limit was added to the resolution as it passed the Senate. There is some underlying motive. Our distinguished Vice President had but one issue to advance in the event of his selection as the Republican nominee for President, revision of the rules of the Senate so as to prevent a filibuster. The Norris resolution deprived him of his lone issue. Are his friends in the House insisting that his sole issue be restored? I concede it is rather unfair to deprive one of his only issue, but it seems to me we should think of the welfare of the country and not the individual in considering this resolution. I sincerely hope the House will strike out the language in the bill which sets a date for adjourment of the final session of a Congress.

I desire, if possible, to support the Norris resolution as it passed the Senate, with section 4 of the pending resolution added.

Mr. WHITE of Kansas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having resumed the chair as Speaker pro tempore, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration H. J. Res. 47, proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress, had come to no resolution thereon.

MINORITY VIEWS

Mr. GILBERT. Mr. Speaker, I ask unanimous consent to file minority views on H. R. 8567.

Mr. GARRETT of Tennessee. For how long a time?

Mr. GILBERT. For five days.

Mr. SNELL. Has the majority report been filed?

Mr. GILBERT. Yes; and the committee authorized me to file minority views, but I let the time expire.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to file minority views on the bill designated by him. Is there objection?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to file a minority report on H. R. 10078, a bill from the Committee on Immigration providing for the deportation of certain aliens.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. SNELL. Is that the bill that has just been reported?

Mr. DICKSTEIN. Yes. The majority report has been filed, and this minority report I propose to file right now.

Mr. SNELL. I think the chairman of the committee should be here if extra minority reports are to be filed.

Mr. DICKSTEIN. This is the minority report of the minority members of the committee. We are asking permission to file a minority report on H. R. 10078.

Mr. SNELL. When was the majority report filed?

Mr. DICKSTEIN. About two weeks ago. I had no opportunity to prepare the minority report until to-day. I am ready to file it to-day. I do not know of any unusual procedure which requires the chairman to be here.

Mr. SNELL. It is usually expected that the minority report will be filed with the majority report.

Mr. DICKSTEIN. But this minority report had to be prepared. It is a bill containing about 60 or 70 pages, with quite a number of sections. I hope the gentleman will not object.

Mr. SNELL. I feel it is only fair to the chairman of the committee that he be here when permission is asked to file a minority report. I think the gentleman should wait until the chairman of the committee is here.

Mr. DICKSTEIN. Will the gentleman withhold his objection for a moment?

Mr. SNELL. Yes.

Mr. DICKSTEIN. At the time the majority filed its report I advised them in the committee that I would file a minority report.

Mr. SNELL. The gentleman should have gotten permission at the time if he wanted to file it.

Mr. DICKSTEIN. I think it has been done over and over again in this House, and I do not think any objection should be raised against the filing of a minority report on this bill. It should not be expected that the minority should file its report at the time of the filing of the majority report, because it would be a physical impossibility to give the legislation that amount of study it requires. I do not think the gentleman ought to object. I would like to file it to-day.

The SPEAKER pro tempore. Is there objection?

Mr. LEHLBACH. Mr. Speaker, reserving the right to object, I think we ought to go back to the practice which the rules of the House authorize and not follow the loose practice which has sprung up. There is only one report which can be accepted by the House and that is the report of the committee. What the gentleman desires is to file minority views and not any report. If he will ask permission to file minority views, I shall not object.

Mr. DICKSTEIN. That is exactly what I desire to do.

Mr. LEHLBACH. A question arose several years ago because of just this practice. The views are limited to the views of those minority Members who join in expressing them and present them to the House. A report may incorporate extraneous matter, and on one occasion a minority report contained appendixes and extraneous matter. That was done because the permission granted was to file a minority report, for which there is no warrant, and all of this extraneous stuff was brought in.

Mr. DICKSTEIN. Mr. Speaker, may I amend my request by asking that I may be permitted to file minority views?

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that he may be permitted to file minority views on the bill referred to. Is there objection?

There was no objection.

THE "S–4" DISASTER

Mr. BLACK of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLACK of New York. Mr. Speaker, have the conferees on the inquiry into the *S–4* disaster made a report to the House?

The SPEAKER pro tempore. The Chair is informed they have not.

ORDER OF BUSINESS

Mr. GARRETT of Tennessee. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Tennessee rise?

Mr. GARRETT of Tennessee. Mr. Speaker, I want to inquire about the order of business to-morrow. Something was said here yesterday about continuing with the Consent Calendar after a certain period. Has that plan been abandoned?

The SPEAKER pro tempore. The Chair will state that he has not heard of anything of that kind.

Mr. SNELL. The gentlemen who are working on the bills on the Consent Calendar have asked that the Consent Calendar be not taken up.

Mr. GARRETT of Tennessee. I am not personally interested in it, but there seems to be some confusion growing out of a suggestion which was made here yesterday, and some of the Members understood it might possibly be arranged to-day or to-morrow. I was inquiring simply for the benefit of other Members who want to know. So far as now known, to-morrow there will be just the regular Calendar Wednesday business?

Mr. SNELL. So far as now known, yes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. MOORE of Ohio (at the request of Mr. KEARNS) on account of sickness.

Mr. HARRISON, indefinitely, on account of sickness.

Mr. WILLIAMS of Texas (at the request of Mr. SANDERS), indefinitely.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the amendments of the Senate to the amendment of the House of Representatives to the bill (S. 700) entitled "An act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes."

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 771) entitled "An act providing for the loan of the U. S. S. *Dispatch* to the State of Florida."

The message further announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2902) entitled "An act granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis."

The message also announced that the Senate had passed without amendment the following bills:

H. R. 2809. An act for the relief of the heirs of Jacob Thomas;

H. R. 5476. An act to authorize the Secretary of War to sell to the Pennsylvania Railroad Co. a tract of land situate in the city of Philadelphia and State of Pennsylvania;

H. R. 6491. An act to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended;

H. R. 6579. An act for the relief of James W. Kingon;

H. R. 6684. An act to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land;

H. R. 7008. An act to authorize appropriations for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and for other purposes;

H. R. 7553. An act for the relief of James Neal;

H. R. 8293. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913;

H. R. 8899. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Epes, Ala.;

H. R. 8900. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River near Gainesville, on the Gainesville-Eutaw road, between Sumter and Greene Counties, Ala.;

H. R. 9019. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Quachita River at or near Calion, Ark.;

H. R. 9063. An act to extend the times for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala.;

H. R. 9204. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Success, Ark.;

H. R. 9339. An act granting the consent of Congress to a board of county commissioners of Trumbull County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Warren, Trumbull County, Ohio; and

H. R. 9484. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Aliceville, on the Gainesville-Aliceville road, in Pickens County, Ala.

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 484. An act for the relief of Joe W. Williams; to the Committee on the Public Lands.

S. 851. An act to amend an act of Congress approved July 3, 1926, being Private Act No. 272, and entitled "An act conferring jurisdiction upon the Federal District Court for the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman;* to the Committee on the Judiciary.

S. 1095. An act to require registration of lobbyists, and for other purposes; to the Committee on the Judiciary.

S. 1186. An act to provide for the construction of the Deschutes project in Oregon, and for other purposes; to the Committee on Irrigation and Reclamation.

S. 1341. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Roads.

S. 1434. An act for the relief of Mattie Holcomb; to the Committee on Naval Affairs.

S. 1456. An act to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex.; to the Committee on Indian Affairs.

S. 1691. An act for the relief of William A. Light; to the Committee on Claims.

S. 1755. An act for the relief of Nellie Kildee; to the Committee on the Public Lands.

S. 1756. An act for the relief of Lyn Lundquist; to the Committee on the Public Lands.

S. 1822. An act to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions; to the Committee on Military Affairs.

S. 1825. An act to amend section 12 of the act approved June 10, 1922, entitled "An act to readjust the pay and allowances of commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended by the act of June 1, 1926 (44 Stat. L. 680), so as to authorize an allowance of 3 cents per mile, in lieu of transportation in kind, for persons using privately owned conveyances while traveling under competent orders; to the Committee on Military Affairs.

S. 1828. An act to amend the second paragraph of section 5 of the national defense act as amended by the act of September 22, 1922, by adding thereto a provision that will authorize the names of certain graduates of the General Service Schools and of the Army War College, not at present eligible for selection to the General Staff Corps eligible list, to be added to that list; to the Committee on Military Affairs.

S. 1829. An act to authorize the collection in monthly installments of indebtedness due the United States from enlisted men, and for other purposes; to the Committee on Military Affairs.

S. 1833. An act to amend the act approved June 1, 1926 (44 Stat. L. 680), authorizing the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes; to the Committee on Military Affairs.

S. 1852. An act to correct the naval record of John Lewis Burns; to the Committee on Naval Affairs.

S. 1989. An act to amend the third paragraph of section 13 of the Federal reserve act; to the Committee on Banking and Currency.

S. 2030. An act to provide for research into the causes of poultry diseases, for feeding experimentation, and for an educational program to show the best means of preventing disease in poultry; to the Committee on Agriculture.

S. 2258. An act to give war-time rank to certain officers on the retired list of the Army; to the Committee on Military Affairs.

S. 2537. An act to amend section 110, national defense act, so as to provide better administrative procedure in the disbursements for pay of National Guard officers and enlisted men; to the Committee on Military Affairs.

S. 2657. An act for the relief of George W. Boyer; to the Committee on Claims.

S. 2725. An act to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma; to the Committee on the Public Lands.

S. 2858. An act to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field; to the Committee on the Public Lands.

S. 2926. An act for the relief of the Old Dominion Land Co.; to the Committee on War Claims.

S. 2948. An act to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes; to the Committee on Military Affairs.

S. 2950. An act to amend the second paragraph of section 67, national defense act, as amended; to the Committee on Military Affairs.

S. 2972. An act for the further protection of fish in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 3058. An act to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property; to the Committee on Military Affairs.

S. 3118. An act to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss.; to the Committee on Interstate and Foreign Commerce.

S. 3119. An act to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and between Madison and Rankin Counties, Miss.; to the Committee on Interstate and Foreign Commerce.

S. 3131. An act to provide additional pay for personnel of the United States Navy assigned to duty on submarines and diving duty; to the Committee on Naval Affairs.

S. 3201. An act for the relief of Paul D. Carlisle; to the Committee on Military Affairs.

S. 3294. An act for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department; to the Committee on Claims.

S. 3325. An act for the relief of Horace G. Knowles; to the Committee on Claims.

S. 3456. An act allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President; to the Committee on Military Affairs.

S. J. Res. 61. Joint resolution to provide for an agricultural day; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 11197. An act to authorize the Secretary of War to grant rights of way to the Vicksburg Bridge & Terminal Co. upon, over, and across the Vicksburg National Military Park at Vicksburg, Warren County, Miss.; and

H. J. Res. 176. House joint resolution granting consent of Congress to an agreement or compact entered into between the State of Wisconsin and State of Michigan for the construction, maintenance, and operation of a highway bridge across the Menominee River.

The SPEAKER also announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1455. An act to grant extensions of time under coal permits;

S. 1946. An act relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended;

S. 2483. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa," approved May 26, 1924;

S. 2545. An act to authorize the sale of certain lands near Garden City, Kans.;

S. 2698. An act granting the consent of Congress to the State of Vermont to construct, maintain, and operate a free highway bridge across an arm of Lake Memphremagog at or near Newport, Vt.;

S. 2801. An act granting the consent of Congress to the New Martinsville & Ohio River Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.; and

S. J. Res. 66. Joint resolution authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills of the following titles:

H. R. 81. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii;

H. R. 248. An act to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army; and

H. R. 8741. An act authorizing the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.

ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Wednesday, March 7, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, March 7, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To provide that the heads of the executive departments may occupy seats on the floor of the Senate and the House of Representatives (H. R. 5625).

COMMITTEE ON MINES AND MINING

(10 a. m.)

To amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, approved March 2, 1919, as amended (S. 1347).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

To create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc.) in the city of Washington as a tribute to the negro's contribution to the achievements of America (H. J. Res. 60).

Providing that the Secretary of Agriculture be directed to give notice that on and after January 1, 1929, the Government will cease to maintain a public market on Pennsylvania Avenue between Seventh and Ninth Streets NW. (H. J. Res. 204).

For the lease of land and the erection of a post office at Philippi, W. Va. (H. R. 10799).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON THE PUBLIC LANDS

(10.30 a. m.)

To promote the development, protection, and utilization of grazing resources on public lands, to stabilize the range stock-raising industry (H. R. 7950 and H. R. 9283).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act, 1920, insure a permanent passenger and cargo service in the north Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

COMMITTEE ON NAVAL AFFAIRS

(11 a. m.)

A hearing to consider private bills on the committee calendar.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the immigration act of 1924 by making the quota provisions thereof applicable to Mexico, Cuba, Canada, and the countries of continental America and adjacent islands (H. R. 6465).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McLEOD: Committee on the District of Columbia. H. R. 52. A bill to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia; without amendment (Rept. No. 841). Referred to the House Calendar.

Mr. GARRETT of Texas: Committee on Military Affairs. S. 2820. An act authorizing the Secretary of War to loan certain field guns to the city of Dallas, Tex.; without amendment (Rept. No. 842). Referred to the House Calendar.

Mr. QUIN: Committee on Military Affairs. H. R. 10564. A bill to authorize the Secretary of War to grant and convey to the county of Warren a perpetual easement for public highway purposes over and upon a portion of the Vicksburg National Military Park in the State of Mississippi; without amendment (Rept. No. 843). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORIN: Committee on Military Affairs. H. R. 11623. A bill to authorize construction at the United States Military Academy, West Point, N. Y.; without amendment (Rept. No. 844). Referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. GUYER: Committee on Claims. H. R. 2479. A bill for the relief of Maclane Cawood; adverse (Rept. No. 845). Laid on the table.

Mr. IRWIN: Committee on Claims. H. R. 6928. A bill for the relief of Dobson Lumber Co.; adverse (Rept. No. 846). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 11796) to provide for the conservation of fish, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. LYON: A bill (H. R. 11797) granting the consent of Congress to Columbus County, State of North Carolina, to construct, maintain, and operate a free highway bridge across the Waccamaw River at or near Reeves Ferry; to the Committee on Interstate and Foreign Commerce.

By Mr. MOREHEAD: A bill (H. R. 11798) granting the consent of Congress to the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at Nebraska City, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. MERRITT: A bill (H. R. 11799) to create a body corporate by the name of the "Textile Alliance Foundation"; to the Committee on Interstate and Foreign Commerce.

By Mr. BURDICK: A bill (H. R. 11800) to establish a commission for the participation of the United States in the one hundred and fiftieth anniversary of the Battle of Rhode Island; to the Committee on the Library.

By Mr. GRAHAM: A bill (H. R. 11801) to amend sections 726 and 727 of title 18, United States Code, with reference to

Federal probation officers, and to add new sections thereto; to the Committee on the Judiciary.

Also, a bill (H. R. 11802) establishing under the jurisdiction of the Department of Justice a division of the Bureau of Investigation to be known as the division of identification and information; to the Committee on the Judiciary.

By Mr. MORROW: A bill (H. R. 11803) to authorize the sale of lands in New Mexico for stock-raising purposes; to the Committee on the Public Lands.

By Mr. PEERY: A bill (H. R. 11804) authorizing and directing the Secretary of War to lend to the town of Appalachia, Va., 500 canvas cots, 500 blankets, 1,000 bed sheets, 500 pillowcases, 500 pillows, and 500 mattresses or bed sacks, to be used at the convention of the American Legion, Department of Virginia, to be held at Appalachia, Va., on August 13, 14, and 15, 1928; to the Committee on Military Affairs.

By Mr. SMITH: A bill (H. R. 11805) authorizing the Secretary of the Interior to contract with the North Side Canal Co. with respect to the construction of certain works on the Minidoka reclamation project; to the Committee on Irrigation and Reclamation.

By Mr. STRONG of Kansas: A bill (H. R. 11806) to amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment; to assist in realizing a more stable purchasing power of the dollar, and for other purposes; to the Committee on Banking and Currency.

By Mr. DALLINGER: A bill (H. R. 11807) granting pensions to certain disabled children of veterans of the Civil War and the war with Spain; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 11808) to authorize an appropriation for the purchase of land at Selfridge Field, Mich.; to the Committee on Military Affairs.

Also, a bill (H. R. 11809) to authorize an appropriation to complete the purchase of real estate in Hawaii; to the Committee on Military Affairs.

By Mr. SWEET: A bill (H. R. 11810) to remove restrictions placed upon the village of Sackets Harbor, N. Y., relative to the tract of parcel of land conveyed to it by quitclaim deed from the United States of America dated the 5th day of May, 1927; to the Committee on the Judiciary.

By Mr. BELL: Concurrent resolution (H. Con. Res. 26) providing for the appointment of a joint committee consisting of 5 Senators and 10 Members of the House of Representatives to attend the exercises at Atlanta, Ga., April 9, 1928, incident to the unveiling of the Stone Mountain monument by the Stone Mountain Confederate Monumental Association; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNE: A bill (H. R. 11811) granting a pension to Jessie M. Williams; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 11812) granting an increase of pension to Eliza J. Johnson; to the Committee on Invalid Pensions.

By Mr. DEAL: A bill (H. R. 11813) for the relief of Thomas Patrick Flood; to the Committee on Naval Affairs.

By Mr. DICKINSON of Missouri: A bill (H. R. 11814) granting an increase of pension to Nannie Lindsey; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 11815) granting an increase of pension to Mary E. Grant; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 11816) granting a pension to Malissa E. Tibbettes; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 11817) granting a pension to Emma Lee; to the Committee on Pensions.

Also, a bill (H. R. 11818) for the relief of Mrs. Steve S. Dawson; to the Committee on Claims.

By Mr. LYON: A bill (H. R. 11819) for the relief of Richard L. Meares, administrator of Armand D. Young, deceased; to the Committee on Claims.

By Mr. McFADDEN: A bill (H. R. 11820) granting an increase of pension to Mary A. Forbes; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 11821) granting an increase of pension to Isabell Ilgenfritz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11822) granting an increase of pension to Mary M. Shetter; to the Committee on Invalid Pensions.

By Mr. PEAVEY: A bill (H. R. 11823) to provide for a survey of Ashland Harbor, Wis., with a view to maintaining an adequate width and depth; to the committee on Rivers and Harbors.

By Mr. PORTER: A bill (H. R. 11824) for the relief of the owners of the British steamship *Larchgrove;* to the Committee on Foreign Affairs.

By Mr. RAINEY: A bill (H. R. 11825) granting an increase of pension to Sarepta J. Edwards; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 11826) granting a pension to Losty Doran; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 11827) granting a pension to Sarah Fuerer; to the Committee on Pensions.

Also, a bill (H. R. 11828) granting an increase of pension to Frank P. Lilley; to the Committee on Pensions.

Also, a bill (H. R. 11829) granting an increase of pension to Zella Marshall; to the Committee on Pensions.

By Mr. SWING: A bill (H. R. 11830) granting a pension to Julia A. Garrison; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11831) granting a pension to Myrilla Mullen; to the Committee on Pensions.

Also, a bill (H. R. 11832) granting a pension to Sallie Dixon; to the Committee on Pensions.

Also, a bill (H. R. 11833) granting a pension to George H. Major; to the Committee on Pensions.

Also, a bill (H. R. 11834) granting a pension to Ellen Black; to the Committee on Pensions.

Also, a bill (H. R. 11835) granting a pension to David Simmons; to the Committee on Pensions.

Also, a bill (H. R. 11836) granting a pension to Jane Carpenter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11837) granting a pension to Bell Goddard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11838) granting a pension to Sallie A. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11839) granting a pension to Bertha Edmonds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11840) granting a pension to Martha B. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11841) granting an increase of pension to Mary Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11842) granting an increase of pension to Louisa Roach; to the Committee on Invalid Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 11843) granting an increase of pension to Lucinda J. Foltz; to the Committee on Invalid Pensions.

By Mr. WATRES: A bill (H. R. 11844) for the relief of Joseph Marko; to the Committee on Military Affairs.

Also, a bill (H. R. 11845) granting a pension to Mary L. Kirlin; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4953. By Mr. AYRES: Petition of citizens of Wellington, Kans., in behalf of legislation for Civil War veterans and their widows; to the Committee on Invalid Pensions.

4954. By Mr. BRIGHAM: Petition of Mrs. W. S. Miller, Mrs. C. A. Munson, and 14 other citizens of Morrisville and Hyde Park, Vt., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4955. By Mr. BURTON: Resolution of the council of the village of Fairport, Ohio, requesting that the local financial contribution requested by Congress for the extension of the present breakwater at Fairport Harbor be waived; to the Committee on Rivers and Harbors.

4556. Also, memorial and remonstrance of the delegates of the Columbia Union Conference of Seventh-day Adventists, in quadrennial session at Cleveland, Ohio, and consisting of representatives from the States of New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Virginia, West Virginia, and the District of Columbia, protesting against the enactment of House bill 78, the compulsory Sunday observance bill, or any similar measure; to the Committee on the District of Columbia.

4957. By Mr. CANNON: Petition of Katherine Deppe and other citizens of Owensville, Mo., favoring an increase in pension of Civil War veterans and their widows; to the Committee on Invalid Pensions.

4958. By Mr. CARTER: Petition of the California Kindergarten-Primary Teachers' Association, petitioning the establishment of a Federal department of education with a secretary in the President's Cabinet; to the Committee on Education.

4959. By Mr. COLLIER: Petition of citizens of Vicksburg, Warren, and Jackson Counties, Miss., protesting against Sunday observance law; to the Committee on the District of Columbia.

4960. By Mr. CRAIL: Petition of Sawtelle, Los Angeles County, Calif., Post, No. 480, Veterans of Foreign Wars, offering amendment to section 4766 of the Revised Statutes of the United States; to the Committee on Pensions.

4961. By Mr. CULLEN: Addresses submitted by the Navy Yard Retirement Association, navy yard, New York, in re retirement legislation; to the Committee on the Civil Service.

4962. By Mr. DRANE: Petition of citizens of Florida, against compulsory Sunday observance legislation (H. R. 78); to the Committee on the District of Columbia.

4963. By Mr. EDWARDS: Petition of Savannah Board of Trade, in opposition to House bill 11075, because it would adversely affect the naval stores industry; to the Committee on Agriculture.

4964. Also, petition of Georgia Medical Society, Savannah, Ga., favoring the passage by Congress of a comprehensive medical practice act for the District of Columbia; to the Committee on the District of Columbia.

4965. Also, petition of Georgia Medical Society, in opposition to antivivisection legislation affecting the District of Columbia; to the Committee on the District of Columbia.

4966. By Mr. ENGLEBRIGHT: Petition of Effie Young and other citizens of Rocklin, Calif., protesting against House bill 78; to the Committee on the District of Columbia.

4967. Also, petition of J. C. Rasmussen and other citizens of Camino, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

4968. By Mr. EVANS of Montana: Petition of William McCrone and other residents of Butte, Mont., protesting against the passage of the Brookhart bill; to the Committee on Interstate and Foreign Commerce.

4969. Also, petition of George B. Manning and other residents of Kalispell, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

4970. By Mr. FRENCH: Petition of 87 citizens of Canyon County, Idaho, protesting against enactment of House bill 78 or any compulsory Sunday observance; to the Committee on the District of Columbia.

4971. Also, petition of 51 citizens of Kooskia, Idaho, protesting against enactment of House bill 78 or any compulsory Sunday observance; to the Committee on the District of Columbia.

4972. Also, petition of 69 citizens of Weiser, Idaho, protesting against enactment of House bill 78 or any compulsory Sunday observance; to the Committee on the District of Columbia.

4973. By Mr. GALLIVAN: Petition of Boston Typographical Union No. 13, John O. Battis, secretary-treasurer, 819 Province Building, Boston, Mass., recommending early and favorable consideration of House bill 9575, providing for a half holiday on Saturday for Government Printing Office employees; to the Committee on Printing.

4974. By Mr. HADLEY: Petition of residents of Skagit County, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4975. Also, petition of residents of Des Moines, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4976. Also, petition of residents of Everett, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4977. Also, petition of residents of Jefferson County, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4978. Also, petition of residents of Carnation, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4979. By Mr. HALL of North Dakota: Petition of board of directors of North Dakota Wheat Growers Association, that the present chain stations be restricted to one wave length; to the Committee on the Merchant Marine and Fisheries.

4980. Also, petition of 63 citizens of North Dakota, against the present chain stations and broadcasting stations; to the Committee on the Merchant Marine and Fisheries.

4981. Also, petition of eight citizens of Pettibone and two citizens of Fargo, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4982. Also, petition of numerous citizens living in McHenry County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4983. Also, petition of the Wishek Association of Commerce, of Wishek, N. Dak., against the Oddie bill; to the Committee on the Post office and Post Roads.

4984. Also, petition of two citizens living at La Moure, N. Dak., against the passage of the Oddie bill; to the Committee on the Post Office and Post Roards.

4985. Also, petition of 30 citizens living in North Dakota, supporting the recommendation of the Commissioner General of Immigration that the new quota distribution based on the Census of 1890 be retained; that the new quota distribution, based on national origin, be annulled; and that no further measures of reduction of the Scandinavian quotas shall be passed by Congress; to the Committee on Immigration and Naturalizaiton.

4986. Also, petition of Leeds Commercial Club, Leeds, N. Dak., against the passage of the Oddie bill; to the Committee on the Post Office and Post Roads.

4987. Also, petition of Board of County Commissioners, Walsh County, N. Dak., against the passage of the Oddie bill; to the Committee on the Post Office and Post Roads.

4988. Also, petition of 46 citizens living in North Dakota, against the present broadcasting chain stations; to the Committee on the Merchant Marine and Fisheries.

4989. By Mr. HOWARD of Nebraska: Petition signed by Hon. E. B. Wilbur, of South Sioux City, Nebr., and 48 other citizens of that city, pleading for relief to the surviving veterans of the Civil War and the widows of Civil War veterans by urging of an increase of pension; to the Committee on Invalid Pensions.

4990. By Mr. HUDSPETH: Petition of residents of El Paso, Tex., protesting against enactment of Sunday observance bill; to the Committee on the District of Columbia.

4991. By Mr. JOHNSON of Texas: Petition of Trezevant & Cochran, of Dallas, Tex., favoring control of flood waters in lower Mississippi Valley at entire cost of Federal Government; to the Committee on Flood Control.

4992. By Mr. JOHNSON of Washington: Petition of citizens of Centralia, Wash., and vicinity, protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4993. Also, petition of citizens of Elma, Wash., and vicinity, protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4994. Also, petition of citizens of Tacoma, Wash., protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4995. Also, petition of citizens of Satsop, Wash., and vicinity, protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4996. Also, petition of citizens of Centralia, Wash., protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4997. Also, petition of Myrtle E. Byrd and 55 other citizens of Tacoma, Wash., favoring creation of a department of education; to the Committee on Education.

4998. Also, petition of W. C. Malvaney and six other citizens of Puyallup, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4999. Also, petition of citizens of Longbranch, Wash., and vicinity, protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5000. Also, petition of citizens of Seaview, Wash., and vicinity, protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5001. By Mr. KEMP: Petition against House bill 78, the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

5002. By Mr. KOPP: Petition of Mr. and Mrs. F. P. Greggs and 38 others, residents of Keokuk, Iowa, protesting the passage of the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5003. By Mr. RAGON: Petition for relief of drainage districts in flood areas; to the Committee on Agriculture.

5004. By Mr. LANKFORD: Petition signed by Rosa Jackson and seven others of Oregon, protesting against the enactment of the Lankford bill (H. R. 78) or any Sunday observance laws; to the Committee on the District of Columbia.

5005. Also, petition signed by Mr. and Mrs. W. E. French and 130 others of Lowndes County, Ga., protesting against enactment of the Lankford bill (H. R. 78) or any Sunday observance laws; to the Committee on the District of Columbia.

5006. Also, petition signed by H. R. Lastinger and 89 others of Brooks County, Ga., protesting against enactment of the Lankford bill (H. R. 78) or any Sunday observance laws; to the Committee on the District of Columbia.

5007. By Mr. LINDSAY: Petition of Central Trades and Labor Council of Greater New York and vicinity, presenting a set of resolutions registering a vigorous protest against House bill 11137; to the Committee on the Merchant Marine and Fisheries.

5008. By Mr. LYON: Petition of certain citizens of Wilmington, N. C., protesting against the passage of a Sunday observance law for the District of Columbia; to the Committee on the District of Columbia.

5009. By Mr. O'BRIEN: Petition of over 40 residents, business men, and firms of Clarksburg, Weston, Buckhannon, Glenville, Shinnston, Bridgeport, Salem, Lumberport, West Union, Smithfield, Pennsboro, Cairo, Harrisville, Cowen, Richwood, Burnsville, Sutton, Gassaway, and Elkins, State of West Virginia, favoring House bill 11, to protect trade-mark owners, distributors, etc.; to the Committee on Interstate and Foreign Commerce.

5010. By Mr. O'CONNELL: Petition of the Lafayette Post, the American Legion, Washington, D. C., favoring the naval construction as proposed by President Coolidge and Secretary of the Navy; to the Committee on Naval Affairs.

5011. By Mr. RAMSEYER: Petition of residents of Grinnell, Iowa, protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5012. By Mr. SANDERS of New York: Petition of Mrs. F. Gutfrucht, signed by 60 citizens of Rochester, N. Y., protesting against the passage of House bill 78, the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

5013. By Mr. SELVIG: Petition of F. H. Ross and 39 farmers and residents of Fisher, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5014. Also, petition of Walter Ross and 40 farmers and residents of Fisher, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5015. Also, petition of S. J. Ostby and 23 farmers and residents of Erskine, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5016. By Mr. SMITH: Petition signed by O. H. Hungerford and 10 other residents of Idaho Falls, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5017. Also, petition signed by 25 citizens of Twin Falls County, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5018. Also, petition signed by 160 residents of Elmore County, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5019. Also, petition signed by 78 residents of Ada County, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5020. Also, petition of 411 citizens of Idaho Falls, Idaho, protesting against the enactment of the Lankford bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5021. Also, petition of 450 citizens of Idaho Falls, Idaho, protesting against the enactment of the Lankford bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5022. Also, petition of citizens of Boise, Idaho, protesting against the enactment of the Lankford Sunday rest bill; to the Committee on the District of Columbia.

5023. Also, petition of citizens of Boise, Idaho, protesting against the enactment of the Lankford Sunday rest bill; to the Committee on the District of Columbia.

5024. Also, petition signed by 585 citizens of Ada County, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5025. By Mr. SINNOTT: Petition of numerous residents of Hood River County, Oreg., protesting against the passage of House bill 78, the Lankford bill, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5026. Also, petition of numerous residents of Pendleton, Oreg., protesting against the enactment of the Lankford bill (H. R. 78) or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5027. By Mr. STEELE: Petition of 18 citizens of Atlanta, Fulton County, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance (H. R. 78); to the Committee on the District of Columbia.

5028. By Mr. SWING: Petition of residents of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

5029. Also, petition of residents of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

5030. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5031. By Mr. VINCENT of Michigan: Petition of residents of Alma, Mich., urging more liberal pension legislation for the benefit of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5032. Also, petition of residents of Sheridan, Fenwick, Vickeryville, and Butternut, Mich., urging the enactment into law of House bill 78; to the Committee on the District of Columbia.

5033. Also, petition of residents of the eighth congressional district of Michigan, in opposition to House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5034. By Mr. WYANT: Petition of Harry L. Handel Post, No. 401, the American Legion, West Newton, Pa., favoring five-year Navy program; to the Committee on Naval Affairs.

5035. Also, petition of committee on immigration and naturalization, California State Society of the Sons of the American Revolution, favoring passage of Box bill to restrict Mexican, West Indian, Central, and South American immigration; to the Committee on Immigration and Naturalization.

SENATE

WEDNESDAY, *March 7, 1928*

(Legislative day of Tuesday, March 6, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 1455. An act to grant extensions of time under coal permits;

S. 1946. An act relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended;

S. 2483. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa," approved May 26, 1924;

S. 2545. An act to authorize the sale of certain lands near Garden City, Kans.;

S. 2698. An act granting the consent of Congress to the State of Vermont to construct, maintain, and operate a free highway bridge across an arm of Lake Memphremagog at or near Newport, Vt.;

S. 2801. An act granting the consent of Congress to the New Martinsville & Ohio River Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.;

H. R. 11197. An act to authorize the Secretary of War to grant rights of way to the Vicksburg Bridge & Terminal Co. upon, over, and across the Vicksburg National Military Park at Vicksburg, Warren County, Miss.;

S. J. Res. 66. Joint resolution authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924; and